

ORDINANCE NO. 21-13

AN ORDINANCE TO AMEND ARTICLE 13, SECTION 13.2 E.1.f., SECTION 13.3 E. 5., SECTION 13.5 E. 3.a., 4.e., AND H. 2.h., TABLE 13-3, SECTION 13.6 D.2.a., E.5.a., AND G.3., AND TABLE 13-4 OF UNIFIED DEVELOPMENT CODE REGARDING REQUIREMENTS FOR PERFORMANCE OF WATER AND SEWER CAPACITY ANALYSIS

WHEREAS, the Board of Mayor and Aldermen adopted Ordinance 86-42 and subsequent amendments thereto that govern requests for connections to the City of Spring Hill Water and Sewer Systems; and

WHEREAS, the standards and requirements set forth in Title 18 of the Code of Ordinances for connections to public water and wastewater utility systems are necessary for the preservation and protection of the public health, safety and general welfare; and

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 for public water and wastewater utility infrastructure improvements necessary for the preservation and protection of the public health, safety and general welfare; and

WHEREAS, the City intends to ensure that the development of any land within the City of Spring Hill subject to the standards and requirements set forth in the Unified Development Code and Title 18 of the Code of Ordinances and other applicable standards and requirements of the City will reasonably protect the citizens and taxpayers from having to bear the cost resulting from the haphazard connection to the City's water and wastewater utility systems; and

WHEREAS, the construction of public water and wastewater infrastructure including water and wastewater treatment facilities is an element of community development which impacts other public facilities, roadways and adjacent lands, and the execution of such construction in a proper and orderly manner in the best interest of the public health, safety and general welfare; and

WHEREAS, the Board of Mayor and Aldermen recognizes that the provision of water and wastewater utility services is an essential public service and is in the best interest of the public health, safety and welfare; and

WHEREAS, the Board of Mayor and Aldermen acknowledges the importance of understanding the sufficiency and capacity of the water distribution system, wastewater collection system, water treatment plant, and wastewater treatment plant, to ensure sufficient capacity exists to serve property and orderly development within the City; and

WHEREAS, the Board of Mayor and Aldermen recognizes the necessity of performing water and wastewater capacity analysis for an annexation, zoning map amendment, planned development, subdivision preliminary plat, site plan, and/or special use permit application to determine the sufficiency and capacity of the City's water distribution system, wastewater

collection system, water treatment plant, and wastewater treatment plant prior to permitting connection to the City's water and wastewater utility services; and

WHEREAS, the Spring Hill Municipal Planning Commission after conducting a public meeting on October 11, 2021, has reviewed the proposed amendments to the Unified Development Code in their entirety and provides a favorable recommendation for their adoption by the Board of Mayor and Aldermen as provided in Resolution 21-93 B and Resolution 21-106 B approved on October 11, 2021 by the Planning Commission.

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE, that the following is hereby adopted relative to the inclusion of requirements for water and wastewater capacity analysis to be performed:

1. Article 13, Section 13.2 E.1.f. of the Unified Development Code, is amended as referenced in the attached Exhibit.
2. Article 13, Section 13.3 E.5. of the Unified Development Code, is amended as referenced in the attached Exhibit.
3. Article 13, Section 13.5 E.3.a., 4.e., and H.2.h. of the Unified Development Code, is amended as reference in the attached Exhibit.
4. Article 13, Table 13-3 and Table 13-4 of the Unified Development Code, is amended as referenced in the attached Exhibit.
5. Article 13, Section 13.6 D.2.a., E.5.a. and G.3. of the Unified Development Code, is amended as referenced in the attached Exhibit.
6. The effective date for the amendments referenced herein shall be December 1, 2021.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 1st day of November, 2021.



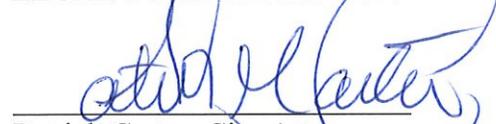
Jim Hagaman, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

PASSED ON 1ST READING: October 18, 2021

PASSED ON 2ND READING: November 1, 2021

RESOLUTION 21-93(B)

A RESOLUTION TO RECOMMEND AMENDMENTS TO ARTICLE 2, SECTION 2.3, ARTICLE 13, SECTION 13.2 D, SECTION 13.3 D, SECTION 13.5 E. 3.a AND H. 2.h., TABLE 13-3, SECTION 13.6 D.2.a., E.5.a., AND G.3., AND TABLE 13-4 OF UNIFIED DEVELOPMENT CODE REGARDING REQUIREMENTS FOR PERFORMANCE OF WATER AND SEWER CAPACITY ANALYSIS

WHEREAS, pursuant to TCA 13-4-310, et seq, authority is granted to the Spring Hill Municipal Planning Commission to recommend amendments to the governing body, to the zoning ordinance, including, but not limited to, the review and approval of site plans, planned unit developments, overlay districts, mixed use developments, and other types of sustainable design and development of property; and

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 for public water and wastewater utility infrastructure improvements necessary for the preservation and protection of the public health, safety and general welfare; and

WHEREAS, the City intends to ensure that the development of any land within the City of Spring Hill subject to the standards and requirements set forth in the Unified Development Code and Title 18 of the Code of Ordinances and other applicable standards and requirements of the City will reasonably protect the citizens and taxpayers from having to bear the cost resulting from the haphazard connection to the City's water and wastewater utility systems; and

WHEREAS, the construction of public water and wastewater infrastructure including water and wastewater treatment facilities is an element of community development which impacts other public facilities, roadways and adjacent lands, and the execution of such construction in a proper and orderly manner in the best interest of the public health, safety and general welfare; and

WHEREAS, the Spring Hill Municipal Planning Commission recognizes that the provision of water and wastewater utility services is an essential public service and is in the best interest of the public health, safety and welfare; and

WHEREAS, the Spring Hill Municipal Planning Commission acknowledges the importance of understanding the sufficiency and capacity of the water distribution system, wastewater collection system, water treatment plant, and wastewater treatment plant, to ensure sufficient capacity exists to serve property and orderly development within the City; and

WHEREAS, the Spring Hill Municipal Planning Commission recognize the necessity of performing water and wastewater capacity analysis for an annexation, zoning map amendment, planned development, subdivision preliminary plat, site plan, and/or special use permit application to determine the sufficiency and capacity of the City's water distribution system, wastewater collection system, water treatment plant, and wastewater treatment plant prior to permitting connection to the City's water and wastewater utility services; and

WHEREAS, the Spring Hill Municipal Planning Commission conducted a public meeting on October 11, 2021, as required by the Unified Development Code; and

WHEREAS, the Spring Hill Municipal Planning Commission intends to make a recommendation for approval to the Board of Mayor and Alderman regarding the adoption of amendments to Article 13 of the Unified Development Code as attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the City of Spring Hill Municipal Planning Commission hereby adopts Resolution 21-93(B) recommending approval of the following amendments to Article 2 and Article 13 of the Unified Development Code:

1. Amend Article 2, Section 2.3 of the Unified Development Code as referenced in the attached Exhibit A.
2. Amend Article 13, Section 13.2 D of the Unified Development Code as referenced in the attached Exhibit B.
3. Amend Article 13, Section 13.3 D of the Unified Development Code as referenced in the attached Exhibit B.
4. Amend Article 13, Section 13.5 E.3.a and H.2.h of the Unified Development Code as referenced in the attached Exhibit B.
5. Amend Article 13, Table 13-3 and Table 13-4 of the Unified Development Code as referenced in the attached Exhibit B.
6. Amend Article 13, Section 13.6 D.2.a., E.5.a. and G.3. of the Unified Development Code as referenced in the attached Exhibit B.
7. Effective date of amendments shall coincide with other related amendments pending consideration and approval by the Planning Commission for Subdivision Regulations and Board of Mayor and Aldermen for the Code of Ordinances.

Passed and adopted this 11th day of October, 2021.

Secretary, Planning Commission

Chair, Planning Commission

ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

- 2.1 RULES OF INTERPRETATION
- 2.2 GENERAL ABBREVIATIONS
- 2.3 DEFINITION OF GENERAL TERMS
- 2.4 RULES OF MEASUREMENT

2.1 RULES OF INTERPRETATION

The terms in the text of this Code are interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future tense includes the present.
- C. The terms “must,” “shall,” and “will” are mandatory, while the word “may” is permissive.
- D. The terms “must not,” “will not,” “shall not,” “cannot,” “won’t,” “can’t” and “may not” are prohibiting.
- E. Any gender includes all genders.
- F. Whenever a defined word or term appears in the text of this Code, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

2.2 GENERAL ABBREVIATIONS

The following abbreviations may be used within this Code:

- A. BTL is an abbreviation for “built-to line.”
- B. BTZ is an abbreviation for “built-to zone.”
- C. GFA is an abbreviation for “gross floor area.”
- D. ft is an abbreviation for “feet.”
- E. N/A is an abbreviation for “not applicable.”
- F. sf is an abbreviation for “square feet.”
- G. SF is an abbreviation for “single-family.”
- H. 2F is an abbreviation for “two-family.”
- I. 3F is an abbreviation for “three-family.”
- J. TH is an abbreviation for “townhouse.”
- K. MF is an abbreviation for “multi-family.”

2.3 DEFINITION OF GENERAL TERMS

- A. The following are definitions of general terms used throughout this Code with the following exceptions:
 - 1. General definitions for the F-1 District are located Article 7.
 - 2. Use definitions are located in Article 8.
 - 3. Subdivision regulation definitions are located in Article 17.
- B. **Definition of General Terms**

Abut. To share a common wall or lot line without being separated by a street or alley. Also includes the term “contiguous.”

Accessibility Ramp. A ramp or similar structure that provides wheelchair or similar access to a structure.

Accessory Structure. A detached structure located on the same lot as the principal structure that is customarily incidental and subordinate to the principal structure.

Accessory Use. A use of land or a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure.

Addition. Construction that increases the size of a structure in terms of building footprint, height, or floor area.

Alley. A right-of-way that normally affords a secondary means of access to abutting property.

Amateur (HAM) Radio Equipment. An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

Ancillary. In regard to principal uses, a structure or use that provides support and is typically integral to a principal structure or the operation of the principal use.

Apiary. A structure for the keeping of honeybees.

Aquaculture/Aquaponics. A structure designed for the farming of aquatic organisms such as fish, crustaceans, mollusks, and aquatic plants under controlled conditions

Architectural Feature. A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

Attention Getting Device. Signs, devices, or ornamentations designed for the purpose of attracting attention or promotion, except as otherwise expressly permitted in this Code. Attention getting devices include banners, sails/feather signs, temporary on-premise pole signs, and the like. Federal, state, or local flags, or flags of fraternal, religious, and civic organizations, and temporary holiday decorations are not considered attention getting devices.

Awning. A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

Balcony. A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Banner. A temporary sign printed upon flexible material mounted with or without rigid frames on a building or the ground.

Bay Window. A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

Berm. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other similar purposes.

Block. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way or municipal boundary lines. See measurement methodology in Section 2.4.

Blockface. That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets. See measurement methodology in Section 2.4.

Blue Roof. A roof designed to store water and discharge rainfall.

Book Exchange Box. An outdoor accessory structure maintained by a property owner on private property where books and recorded performing arts and media are kept for public and/or exchanges with no fees or sales and are publicly accessible.

Buffer Yard. Land area with landscape plantings and other components used to separate incompatible uses or varying intensities of uses from one another and to shield or block noise, lights, or other nuisances.

Build-To Line (BTL). A build-to line (BTL) is a set building line on a lot, located parallel to the applicable lot line, where the structure must be located. The building facade or a percentage of the facade must be located on the build-to line. See measurement methodology in Section 2.4.

Build-To Zone (BTZ). A build-to zone (BTZ) is the area on a lot, located parallel to the applicable lot line, where a structure must locate within the minimum and maximum range of setback provided. The building façade or a percentage of the facade must be located within the build-to zone. See measurement methodology in Section 2.4.

Build-To Percentage. A build-to percentage specifies the percentage of the building facade that must be located within a build-to line (BTL) or build-to zone (BTZ), as a percentage of the lot width. See measurement methodology in Section 2.4.

Buildable Area. The portion of a lot, excluding required setbacks, where a structure or building improvements may be erected.

Building. A structure used or intended for supporting or sheltering any use or occupancy.

Building Envelope. The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk, by other regulations, and/or by any combination thereof.

Building Coverage. That portion of the lot that is or may be covered by the principal structure and any detached accessory structures. See measurement methodology in Section 2.4.

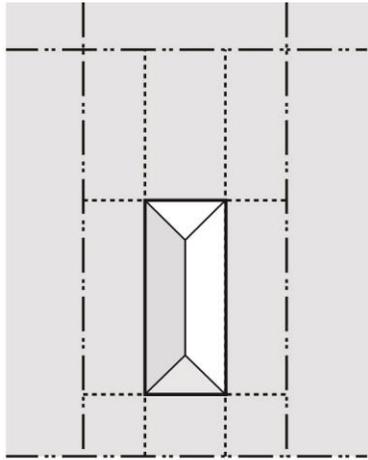
Building Height. Building height is measured as the vertical distance from the adjacent average grade at the front lot line to:

1. The top of a flat roof, including parapet walls and flat roofs designed with a decorative mansard roof concealing a flat roof.
2. The deck line of a mansard or gambrel roof.
3. The midpoint height between the eaves and the ridge in the case of a pitched roof.

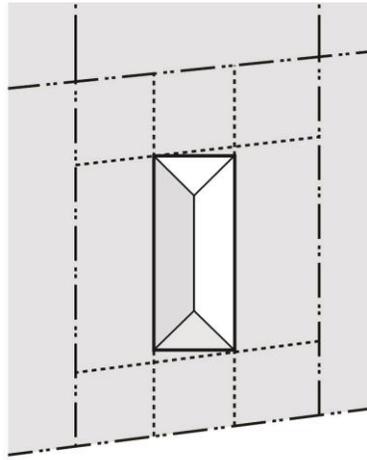
See measurement methodology in Section 2.4.

Building Line. A line measured at the building wall of a structure between opposing lot lines, at that part of the building closest to the applicable lot line (for example, for a front building line regulation, the front lot line would be the applicable lot line). For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.

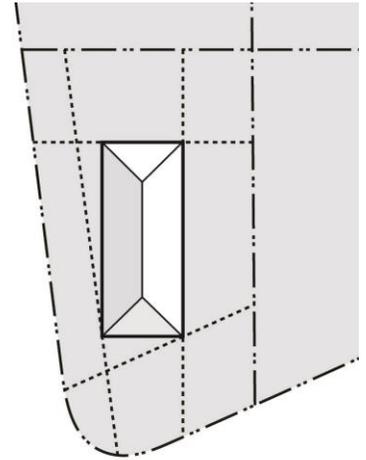
BUILDING LINE (PLAN VIEW)



----- Building Line

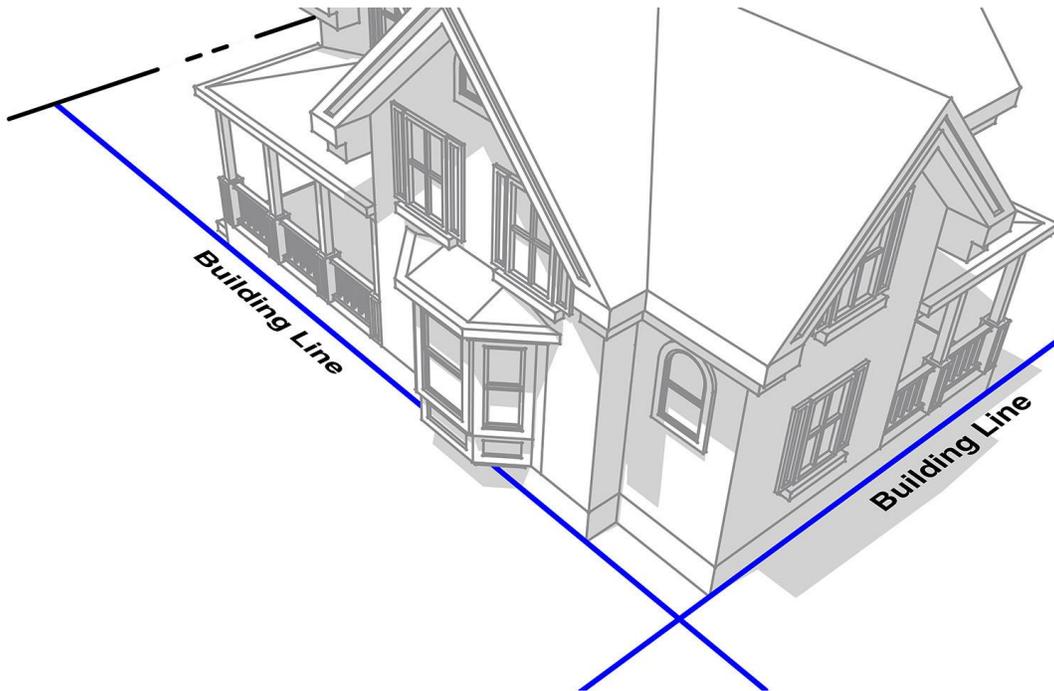


----- Building Line



----- Building Line

BUILDING LINE (3-D VIEW)



Building Pad. The foundation area of a building.

Caliper. The diameter of a tree trunk. See measurement methodology in Section 2.4.

Canopy. A canopy is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed to a building, or which is freestanding, and with supports that extend to the ground. (See sign, canopy for illustrations of canopy types.) A canopy may be one of two types:

1. **Canopy - Non-Structural.** A roofed structure attached to a building, which is not integral to the structure, that is made of durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric, placed to extend outward from the building and supported both by mountings on the structure wall and by supports that extend to the *ground*.

2. **Canopy - Structural.** A roofed structure constructed of permanent building materials, such as metal, brick, stone, wood or similar building materials, that is constructed as part of and attached to a building, and extends outward from the building and supported both by the structure and by supports that extend to the *ground*. Certain structural canopies may also be constructed freestanding accessory structures on the same lot with the principal use and/or structure.

Carpport. An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building, but may be freestanding.

Chicken Coop. A structure where hens and roosters are kept.

Chimney. A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

Co-Location. Placement of equipment from more than one service or service provider on a single tower, structure or site.

Contiguous. See abut.

Contour Line. Contour lines denote elevation or altitude and depth on maps.

Cooking Facilities. Equipment installed within a structure to be used for the cooking or preparation of food, including stoves and ovens, and any wiring or piping containing energy or power source for such facilities.

Cool Roof. A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected, solar energy.

Cross-Access. A vehicular and/or pedestrian connection between abutting properties for the purpose of providing connections from one lot to another without re-entering a public or private street.

Curb Lawn. A strip of grass-covered land located between the sidewalk and curb that may be planted with street trees and other landscaping materials.

Day. A business day, excluding holidays and weekends.

Deck. A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

Development. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, any mining, excavation, landfill or land disturbance, or any change in use, or alteration or extension of the use, of land.

Diameter at Breast Height (DBH). The diameter of a tree trunk. See measurement methodology in Section 2.4.

Driveway. A pathway for motor vehicles extending from a street or alley to a lot used to access parking areas of the lot. A driveway may also serve as parking for single-family detached and two-family dwellings.

Dwelling. A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings - detached and attached, two-family dwellings, townhouse dwellings, and multi-family dwellings, but excluding manufactured homes and hotels.

Dwelling Unit. A structure or portion of a structure providing complete, independent living facilities for one household, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement. An irrevocable agreement of record between landowners, public authorities, and/or persons for a specific purpose such as, but not limited to, utilities, stormwater management, driveways, pedestrian ways, or conservation.

Eave. The projecting lower edges of a roof overhanging the wall of a structure.

Encroachment. The extension or placement of any structure, or a component of such, into a required setback or right-of-way.

Erect. To build, construct, attach, hang, place, suspend, or affix.

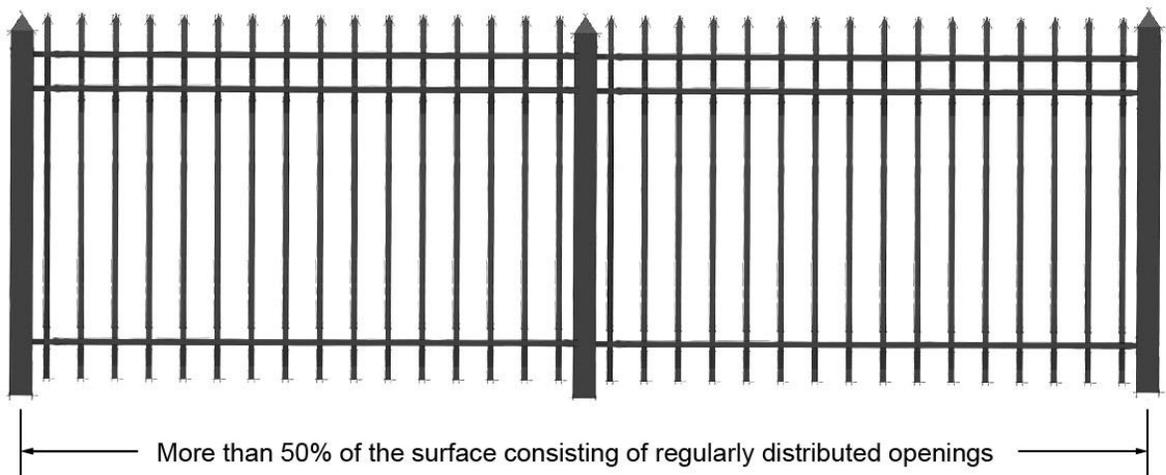
Exterior Lighting. The illumination of an outside area or object by any man-made device that produces light by any means.

Exterior Stairwell. One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

Fence. A structure used as a boundary, screen, separation, means of privacy, protection, barrier, and/or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry, or other similar material.

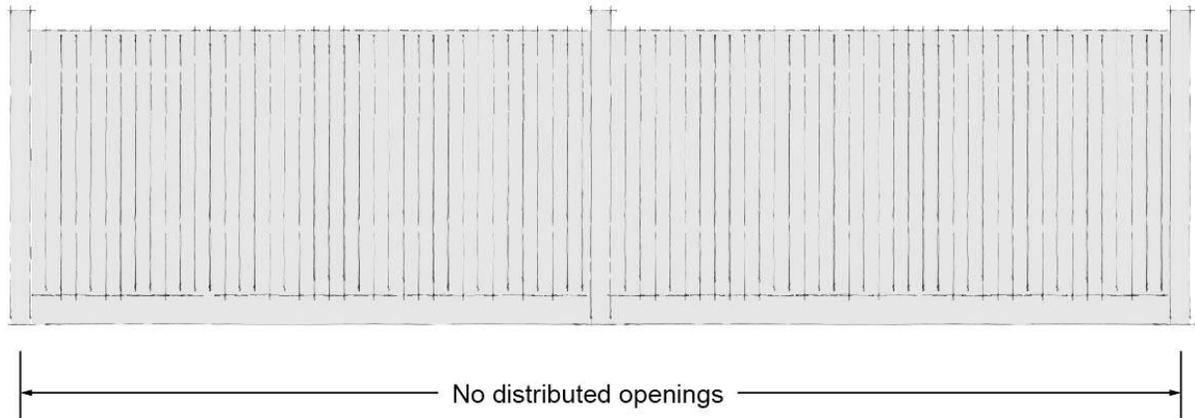
Fence - Open. A fence that has, over its entirety, more than 50% of the superficial surface consisting of regularly distributed openings.

OPEN FENCE



Fence - Solid. A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.

SOLID FENCE



Floodlight. A powerful light, typically in a grouping of several lights, often used to illuminate the exterior of a building, yard, or sign.

Foot-Candle. A unit of measure of illuminance equal to one lumen of light spread over an area of one square foot.

Garage. A structure, either attached or detached, used for the parking and storage of vehicles as an accessory use to a residence. For the purposes of this definition, garage does not include a commercial parking structure.

Gazebo. A freestanding outdoor structure designed for recreational use and not for habitation.

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort, and, in extreme cases, cause momentary blindness.

Grade. The average level of the finished surface of the ground at the front lot line. See measurement methodology in Section 2.4.

Green Roof. A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Greenhouse (Accessory). A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross Floor Area (GFA). The sum of the gross horizontal areas of all floors of the structure. See measurement methodology in Section 2.4

Hedge. A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

Historically Significant Site. A property that embodies distinctive characteristics of a type of architecture or is associated with significant historical events or persons.

Home Occupation. A limited commercial activity carried out for economic gain by a resident, conducted as an accessory use in the resident's dwelling unit.

Household. A group of individuals related by blood, marriage, civil union, or adoption, guardianship or other custodial relationship, or not more than four persons not so related, living together in a dwelling unit as a single housekeeping unit. For the purposes of zoning law in Tennessee, the classification "single family dwelling" includes any household in which eight or fewer unrelated persons with disabilities reside, and may include three additional persons acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities residing in the home.

Illumination, External. Illumination by an artificial source of light not internal to the sign face.

Illumination, Internal. Illumination by an artificial source that is internal to and shielded by the sign face.

Impervious Surface Coverage. A measure of intensity of land use that represents the portion of a site that is occupied by all structures, pavement, and any other impervious surfaces that do not allow for the absorption of water into the ground. See measurement methodology in Section 2.4.

Infrastructure. Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities, including, but not limited to, utilities, water lines, sewer lines, and rights-of-way.

Intensity of Use. Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking or loading facilities.

Invasive Species. Any plant species, including its seeds, spores or other biological material capable of propagating that species, that is not native to that ecosystem; and whose introduction does or is likely to cause environmental harm, or which has been classified as "invasive" by the State of Tennessee or the U.S. Government.

Light Pole. Pole on which a luminaire is mounted.

Light Pole Banner. Banners mounted on and with arms installed perpendicular to light poles.

Loading Berth. A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading or unloading goods or materials.

Lot. The basic development unit for determining compliance with lot area, depth, and other area and dimensional regulations of the Code, or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. See measurement methodology in Section 2.4.

Lot Area. The total area within the boundaries of a lot, excluding any street right-of-way, usually defined in acres or square feet. See measurement methodology in Section 2.4.

Lot, Corner. A lot situated at the junction of, and abutting on, two or more intersecting streets. See measurement methodology in Section 2.4.

Lot Depth. The distance measured from the front lot line to the rear lot line. See measurement methodology in Section 2.4.

Lot, Double-Frontage. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A double-frontage lot is also called a through lot. See measurement methodology in Section 2.4.

Lot, Interior. A lot other than a corner or through lot, bounded by two interior side lot lines. See measurement methodology in Section 2.4.

Lot Line. A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space. See measurement methodology in Section 2.4.

Lot Line, Corner. On a corner lot, the lot line perpendicular or approximately perpendicular to the front lot line and the longer street abutting lot line of a corner lot. See measurement methodology in Section 2.4.

Lot Line, Front. The lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. See measurement methodology in Section 2.4.

Lot Line, Interior. On an interior lot, the lot line perpendicular or approximately perpendicular to the front lot line and abutting the adjacent lot. See measurement methodology in Section 2.4.

Lot Line, Rear. The lot line opposite and most distant from the front lot line. See measurement methodology in Section 2.4.

Lot Line, Street. Any lot line separating a lot from a street right-of-way. See measurement methodology in Section 2.4.

Lot, Through. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double-frontage lot. See measurement methodology in Section 2.4.

Lot Width. The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the required front setback, build-to line, or farthest build-to line comprising a build-to zone. See measurement methodology in Section 2.4.

Mixed-Use Development. A development that includes primary residential uses and primary nonresidential uses that are part of the same integrated development, whether within the same building or on the same walkable, interconnected site.

Modular Home. Modular buildings and modular homes are not considered manufactured homes, and refer to a method of construction. Modular buildings and modular homes are built in one or more sections called modules at a facility and then delivered to the site where the modules are set onto the building's foundation and joined together to make a single building. Modular buildings and modular homes must conform to all zoning requirements for the dwelling type and must meet all local building code requirements. Manufactured homes are a principal use and defined in Article 8.

Multi-Tenant Retail Center. A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

Noncommercial Message. The expression of noncommercial ideas and messages. A noncommercial message does not direct attention to a business, product, service, commercial entertainment, or other commercial activity offered on or off the premises.

Nonconforming Lot. A lot of record that at one time conformed to the lot dimension requirements (lot area, lot width, lot depth) of the zoning district in which it is located but because of subsequent amendments to the Code no longer conforms to the applicable lot dimensions.

Nonconforming Structure. A principal or accessory structure that once conformed to zoning district regulations but because of subsequent amendments to the Code no longer conforms to applicable dimensional standards.

Nonconforming Use. The use of a structure or land that at one time was an allowed use within a zoning district but because of subsequent amendments to the Code is no longer allowed.

Nits. A luminance unit equal to one candle per square meter measured perpendicular to the rays from the source

Off-Street Parking. The storage space for an automobile on premises other than streets or rights-of-way.

Open Space. That portion of land, either improved or unimproved, which is used to meet active or passive recreation needs, public parks, and land that protects and preserves water, air, or plant resources and sensitive habitats.

Outdoor Display and Sales Area. Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outlot. An area of land set aside within a retail center for a separate principal building that shares a circulation system and may share common parking with the larger retail center development but is separated from the principal building or buildings, typically located along the property line. Also called an outparcel.

Overlay District. A district established in the Code that is superimposed on one or more zoning districts or parts of zoning districts. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts.

Owner. Any person, including the owner of the title or a mortgage whose interest is shown of record in the mortgage and conveyance records; a person shown as owner in the records of the tax assessor of the county in which the property is situated; or the agent of any such person and those in possession of a dwelling, dwelling unit, or premises.

Parapet. The extension of a false front or wall above a roof-line.

Party Wall. A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another, but is in joint use by each building.

Patio. A hard surface designed and intended for recreational use by people and not used as a parking space.

Performance Standards. A set of criteria or limits relating to elements that a particular use or process must either meet or may not exceed.

Pergola. A freestanding, open structure that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

Pervious Paving. A range of sustainable materials and techniques for permeable paving with a base and sub-base that allow the movement of stormwater through the surface. Gravel and loose rock are not considered pervious paving.

Porch. An architectural feature that projects from the exterior wall of a structure, has access to the street level of the building but typically not at grade, and is covered by a roof.

Porch – Unenclosed. A porch that is open on all sides that do not abut a principal building wall.

Porch – Enclosed. A porch enclosed by walls, screens, lattice or other material. A screened-in porch is an enclosed porch. An enclosed porch is considered part of the principal structure.

Porte Cochere. A permanent structure built over a driveway or entry drive that provides temporary shelter to persons exiting a vehicle.

Property Line. For the purposes of this Code, a property line is a lot line. (See lot line definition.)

Principal Structure. A non-accessory structure in which a principal use of the lot on which it is located is conducted.

Principal Use. The main use of land or structures as distinguished from an accessory use.

Recreational Vehicle. Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

Residential Use. A use that includes, but is not limited to, the following dwelling types: single-family – detached, two-family, three-family, townhouse, and multi-family dwellings. When dwellings are located only above ground floor of non-residential uses, there are considered mixed-use, which is a non-residential use for the purposes of this Code.

Right-of-Way. A strip of land not on a lot that is dedicated for public or private use to accommodate a transportation system, including curb lawns, sidewalks, bike lanes, and shoulders, and may accommodate necessary public utility infrastructure.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

Satellite Dish Antenna. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

Searchlight. An attention-getting device where an artificial light of high intensity is shined upward in a focused beam and can turn in any direction to attract attention to a location. Also known as sky-beams or sky spotlights.

Setback. The required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building, unless permitted by this Code. See measurement methodology in Section 2.4.

Setback, Front. The required minimum distance per the zoning district that a principal building must be located from the front lot line. See measurement methodology in Section 2.4.

Setback, Interior Side. The required minimum distance per the zoning district that a principal building must be located from the interior side lot line. See measurement methodology in Section 2.4.

Setback, Corner Side. The required minimum distance per the zoning district that a principal building must be located from the corner side lot line. See measurement methodology in Section 2.4.

Setback, Rear. The required minimum distance per the zoning district that a principal building must be located from the rear lot line. See measurement methodology in Section 2.4.

Setback, Reverse Corner Side. The required minimum distance per the zoning district that a principal building must be located from corner side lot line. See measurement methodology in Section 2.4.

Shed. An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.

Sign. A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, inform or promote a business, service, or the sale of a product.

Sign, A-Frame. A temporary sign ordinarily in the shape of the letter “A” or some variation thereof, which is displayed on the ground, not permanently attached to the ground, and usually two-sided, generally connected at the top and separated at the bottom.

A-FRAME SIGN



Sign, Animated. A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene. Animated signs do not include electronic message signs or video display signs.

Sign, Awning. An awning sign is a sign printed or displayed upon an awning.

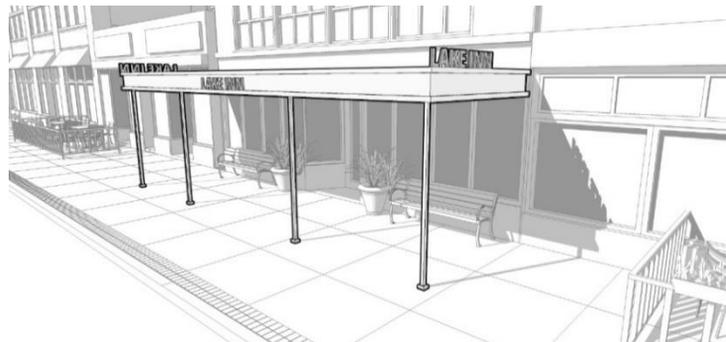
AWNING SIGN



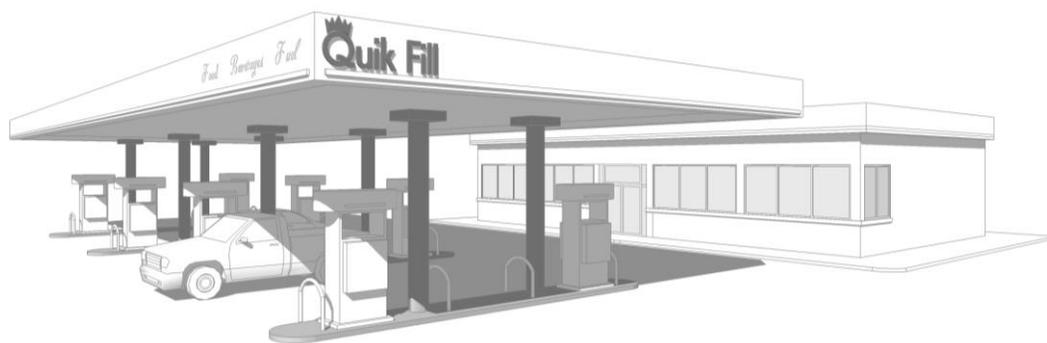
Sign, Balloon. A sign or advertising device designed to be airborne or inflated and tethered to the ground or other structure. This includes any air-inflated signs and any signs that inflate and move via air inflation. This definition also includes any product made with the appearance of a balloon, although it may not require inflation.

Sign, Canopy. A canopy sign is a sign printed, mounted, or installed upon a canopy. A canopy sign may be non-structural or structural.

CANOPY SIGN - NON-STRUCTURAL

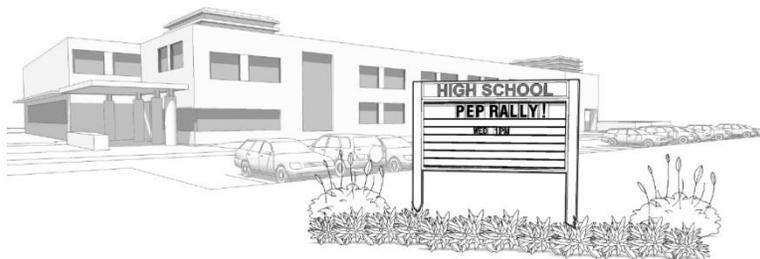


CANOPY SIGN- STRUCTURAL



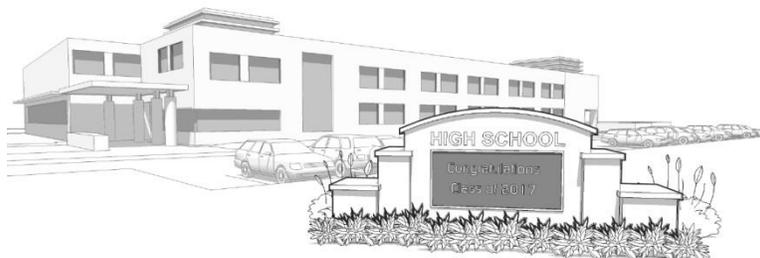
Sign, Changeable Message Board. A sign designed where a portion of the sign area allows for a message to be changed manually. A changeable message board sign does not include electronic message signs or portable reader-board sign.

CHANGEABLE MESSAGE BOARD SIGN



Sign, Electronic Message. A sign designed where a portion of the sign area uses changing light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the electronic display panel(s) to form a message or messages in text and/or image from where the messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs, flashing signs, animated signs, and video display signs are not considered electronic message signs. Also called an electronic message center sign.

ELECTRONIC MESSAGE SIGN

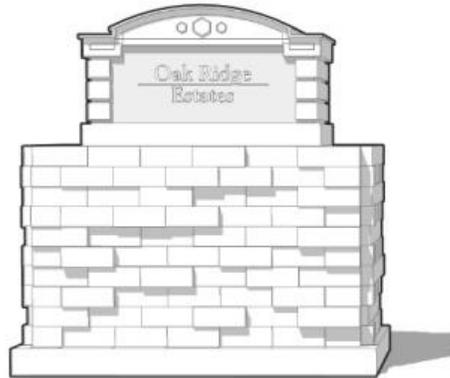


Sign, Flashing. A sign with an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic message signs, animated signs, or video display signs.

Sign, Freestanding. A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure. There are three types of freestanding signs regulated by this Code:

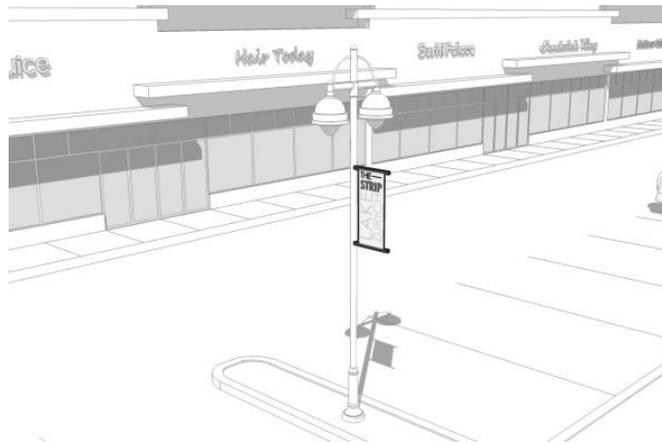
1. **Freestanding Sign – Residential Subdivision.** A freestanding sign used to identify a residential subdivision.
2. **Freestanding Sign – Multi-Tenant Retail Center.** A freestanding sign used to identify a commercial development with two or more tenants.
3. **Freestanding Sign – Standard.** A freestanding sign that identifies an establishment that is not specifically categorized as a residential subdivision freestanding sign or a multi-tenant retail center freestanding sign.

FREESTANDING SIGN



Sign, Light Pole Banner. Banners mounted on and with arms installed perpendicular to light poles.

LIGHT POLE BANNER SIGN



Sign, Marquee. A sign incorporated into a permanent roof-like structure constructed of permanent building materials that extends from the wall of a structure with no supports extending to the ground providing protection from the elements.

MARQUEE SIGN



Sign, Menuboard. A sign constructed as part of drive-through facilities.

MENUBOARD SIGN



Sign, Moving. A sign where the entire sign structure or a portion of which rotates, moves, elevates, or in any way alters position or geometry. A tri-vision sign where triangular prisms rotate inside a frame to show a new message and/or information are considered moving signs. Moving signs do not include clocks or barber poles.

Sign, Nonconforming. A sign that once conformed to zoning regulations but because of subsequent amendments to the Code, or due to annexation, does not conform to applicable sign regulations.

Sign, Obscene. A sign that is found to meet the three established criteria of obscenity: 1) prurient in nature; 2) completely devoid of scientific, political, educational, or social value; and 3) a violation of local community standards.

Sign, Obsolete. A sign that advertised or identified a business or service on-premises but remains on-site once that business or service is no longer in operation or offered.

Sign, Off-Premise Commercial – Permanent. A permanent commercial sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Also called a billboard.

Sign, Off-Premise Commercial – Temporary. A temporary commercial sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. This includes any \ sign painted, pasted, or otherwise affixed to any tree, rock, fence, utility pole, hydrant, bridge, sidewalk, parkway, curb or street, bench, or trash receptacle that directs attention off-premises.

Sign, Portable Reader-Board. A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable reader-board signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with wheels removed. Portable reader-board signs do not include a-frame signs.

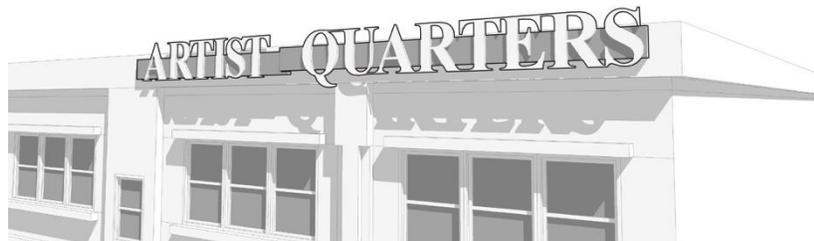
Sign, Projecting. A sign that is attached to a rigid structure that extends more than 18 inches beyond the surface of the structure to which it is attached. A marquee sign is not considered a projecting sign.

PROJECTING SIGN



Sign, Roof. A sign that is erected, constructed, and/or maintained on or extending above the roof or roofline, including the parapet of any building.

ROOF SIGN



Sign, Video Display. A sign, or portion of a sign, that displays pre-recorded or streaming electronic video. This includes the projection of pre-recorded or streaming electronic video on a wall or other surface.

Sign, Wall. A sign that is attached directly to an exterior wall of a building or dependent upon a building for support and projects 18 inches or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs are not considered wall signs.

WALL SIGN



Sign, Window. A sign that is attached to, placed upon, painted, or printed on the interior or exterior of a window or glass portion of door of a building, or displayed on the interior within four feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure against which signs are mounted that blocks view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

WINDOW SIGN



Stacking Space. A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

Stoop. An exterior floor typically, constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed.

Street. A public or private thoroughfare that affords a means of vehicular access to abutting property, but does not include alleys or driveways.

Structural Alteration. Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water. All buildings are considered a structure.

Unified Control. For planned unit developments, the combination of two or more tracts of land wherein each owner has agreed that his/her tract of land will be developed under the same development approval.

Use. The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utility Flow and Capacity Analysis for Water and Sewer Services. A study or analysis to evaluate the capacity of existing water and sewer utility infrastructure to serve a proposed development and identify required public utility infrastructure improvements necessary to be constructed in order to adequately and sufficiently serve the proposed development if approved. The cost for preparation of the water and sewer capacity analysis shall be responsibility of the applicant.

White Roof. A roof designed to deliver high solar reflectance, typically white-colored, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected, solar energy. Also called a cool roof.

Yard. The open space area between the building line, of a principal building and the adjacent lot line. Defined in Section 2.4.

Yard, Front. The area located between a principal building line and the front lot line. See measurement methodology in Section 2.4.

Yard, Interior Side. The area located between a principal building line and the interior side lot line. See measurement methodology in Section 2.4.

Yard, Corner Side. The area located between a principal building line and the corner side lot line. See measurement methodology in Section 2.4.

Yard, Rear. The area located between a principal building line and the rear lot line. See measurement methodology in Section 2.4.

Zoning Lot. A lot or combination of lots within a single block, which is designated by the owner or developer to be used, developed, or built upon as a single lot. A zoning lot may or may not coincide with a lot of record. For the purposes of this Code, when regulations refer to a lot they refer to a zoning lot unless specifically identified otherwise.

Zoning Map. The map or maps that are a part of this Code and which delineate the boundaries of all mapped zoning districts within the physical boundary of the City adopted pursuant to TCA Title 13, Chapters 4 or 7 for the purpose of regulating by district, land development or use for a designated area.

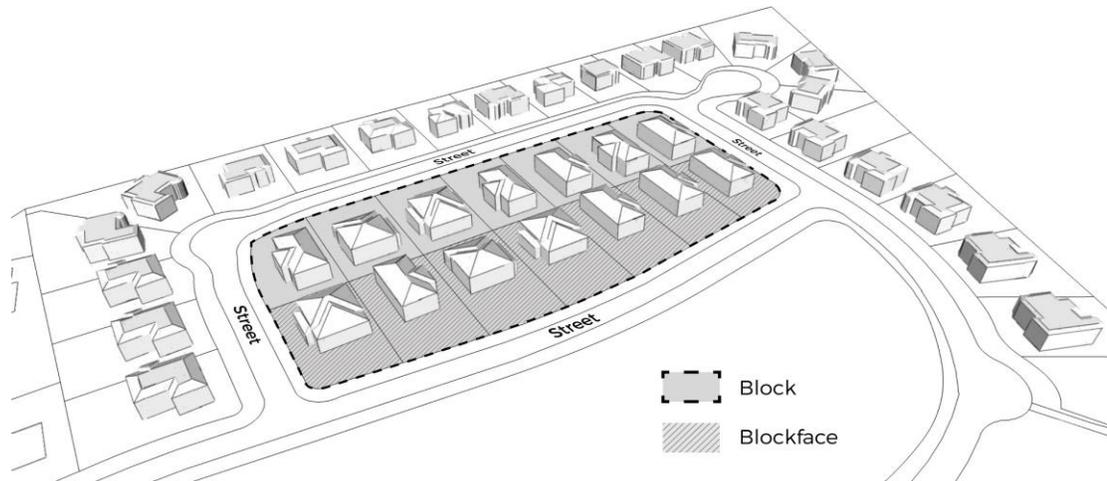
Zoning Ordinance. A statute, legally adopted pursuant to TCA Title 13, Chapters 4 or 7 for the purpose of regulating by district, land development or use for a designated area.

2.4 RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Code.

A. Block and Blockface

1. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way or municipal boundary lines.
2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

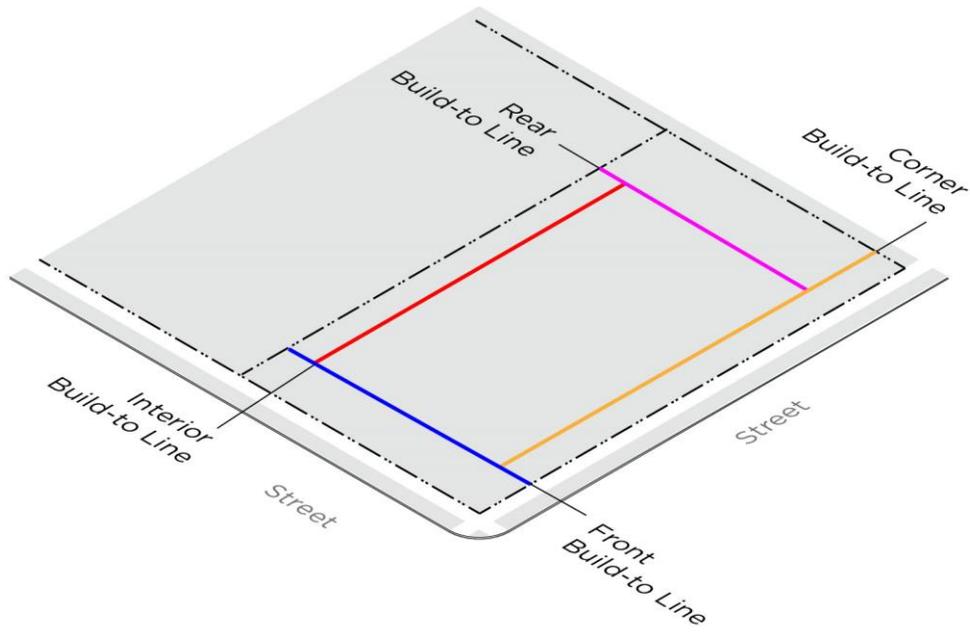


B. Build-To Dimensions

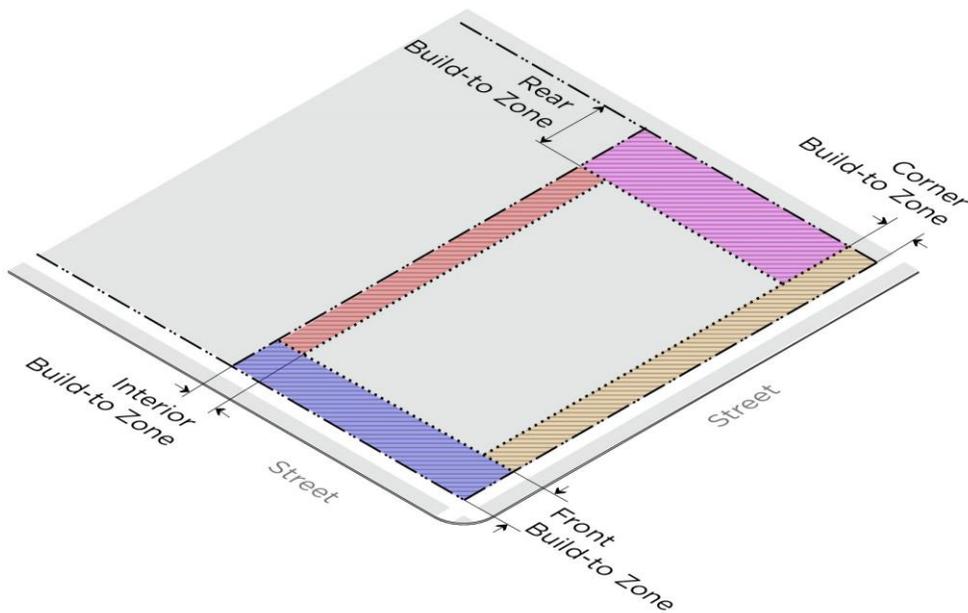
Certain dimensional requirements of a district require structures to be constructed at a build-to dimension. A build-to requirement is a boundary or alignment, parallel to a lot line, where a structure must be placed. This Code includes three types of build-to dimensions:

1. A build-to line (BTL) is a set building line on a lot, located parallel to the applicable lot line, where the structure must be located. The building facade must be located on the build-to line. Facade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.
2. A build-to zone (BTZ) is the area on a lot, located parallel to the applicable lot line, where a structure must locate within the minimum and maximum range of setback provided. The building facade must be located within the build-to zone. Facade articulation, such as window or wall recesses and projections are not counted as the building façade line, which begins at the applicable façade wall.
3. A build-to percentage specifies the percentage of the building facade that must be located within a build-to line or build-to zone, as a percentage of the lot width. Facade articulation, such as window or wall recesses and projections, do not count against the required build-to percentage.

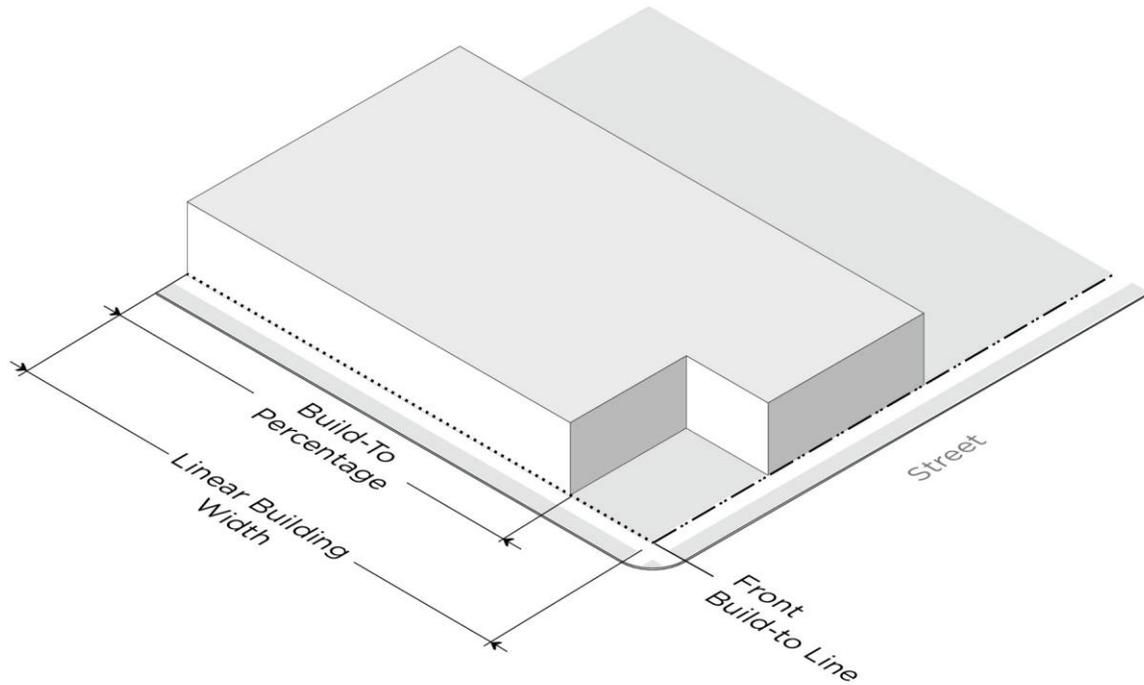
BUILD-TO LINE



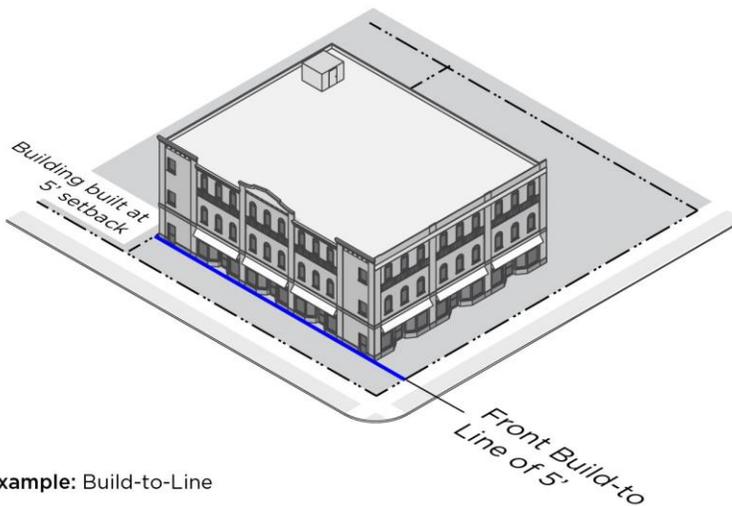
BUILD-TO ZONE

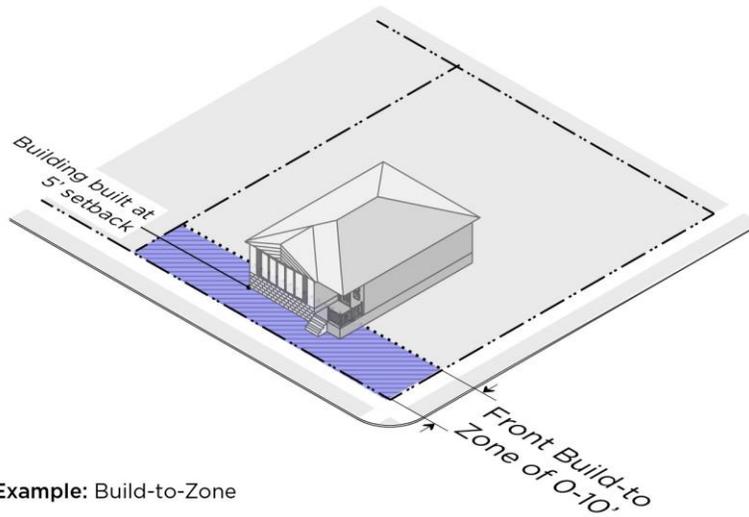


BUILD-TO PERCENTAGE



The following are examples of how build-to lines (BTL) and build-to zones (BTZ) are applied. When the front setback BTL is indicated as 5', the structure must be built at 5' from the front lot line. When the front setback BTZ is indicated as 0' to 10', the structure must be built within that range, shown in the example below as 5'; the property owner may choose any setback within that range.





Example: Build-to-Zone

C. Building Coverage

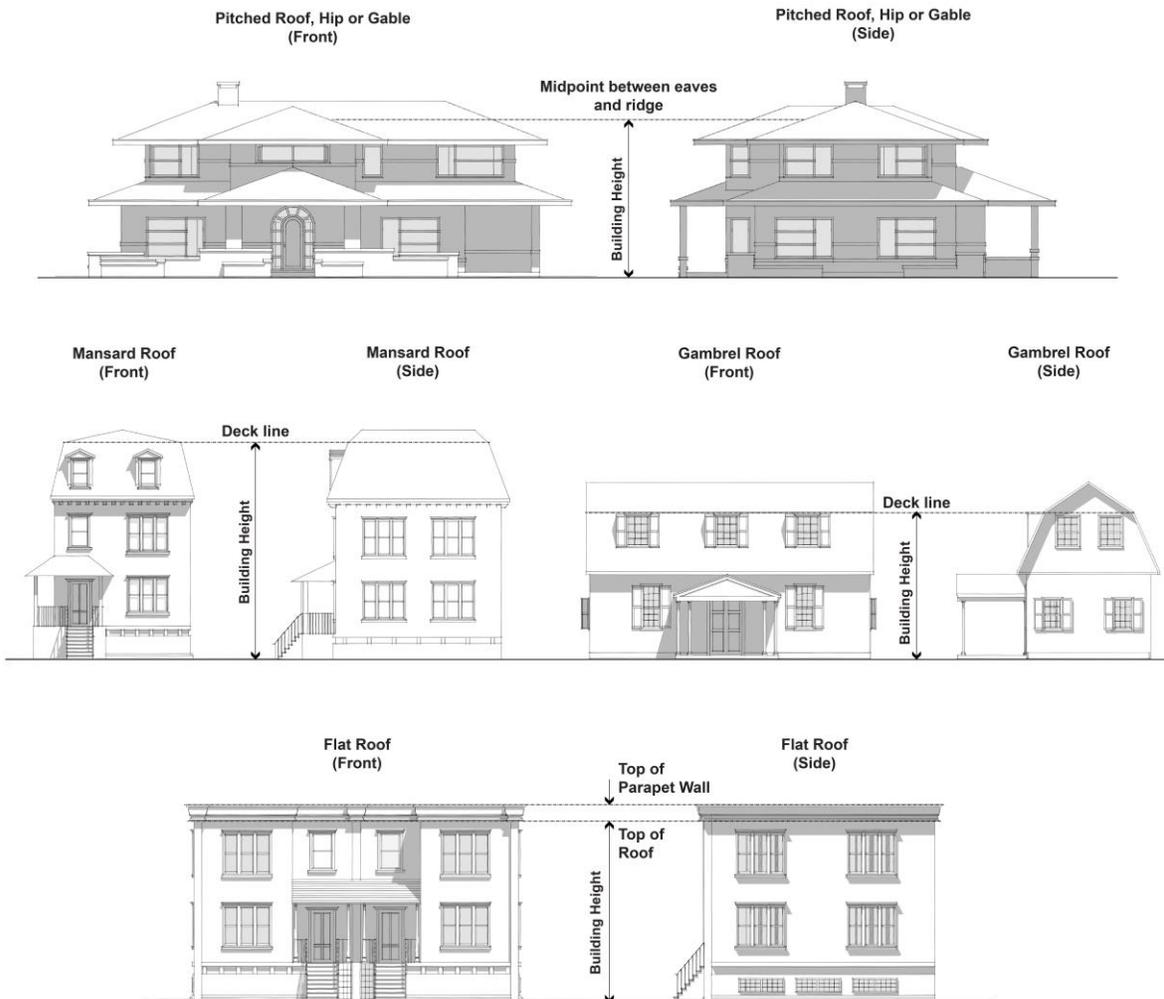
That portion of the lot that is or may be covered by the principal structure and any detached accessory structures.

D. Building Height

1. Maximum building height is measured as the vertical distance from the adjacent average grade at the front lot line to:
 - a. The top of a flat roof, including parapet walls and flat roofs designed with a decorative mansard roof concealing a flat roof.
 - b. The deck line of a mansard or gambrel roof.
 - c. The midpoint height between the eaves and the ridge in the case of a pitched roof.
 - d. Any dormers that extend past the roofline cannot exceed the maximum building height permitted in the district, as measured from the adjacent average grade, or its equivalent, to the top of the dormer.
2. For the purposes of building height measurement, roof types are defined as follows:
 - a. **Flat Roof:** A roof that is not pitched and where the surface of the roof is generally parallel to the ground. A mono-pitched roof, also called a shed roof, is a single-sloping roof surface, and is also considered a flat roof.
 - b. **Mansard or Gambrel Roof:** A two-sided roof with two slopes on each side. The upper slope is positioned at a shallow angle, while the lower slope is steep. A gambrel roof has vertical gable ends, while a mansard roof is hipped at the four corners of the building.
 - c. **Pitched Roof:** A gable or hip roof having a slope or pitch of at least one foot rise for each four feet of horizontal distance in the direction of the slope or pitch of the roof. A hipped roof is sloped in two pairs of directions compared to the one pair of direction for a gable roof.

3. The following structures or parts thereof are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by any airport authority, or other similar federal, state, or local authority.
 - a. Public utility poles, towers, and wires. This does not include wireless telecommunication towers and wind turbines that are regulated separately by this Code.
 - b. Water tanks and standpipes.
 - c. Building appurtenances such as chimneys, skylights, steeples, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers or scenery lofts, tanks, ornamental towers and spires, rooftop accessory structures, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.

BUILDING HEIGHT



E. Caliper and Diameter at Breast Height (DBH)

1. Caliper is the diameter of a tree trunk measured at 12 inches above the ground.
2. Diameter-at-breast-height (DBH) is the diameter of a tree trunk measured at four and one-half feet above the ground.

F. Fractions

In terms of calculation of Code requirements, any fraction under one-half is rounded down, and any fraction of one-half or more is rounded up to nearest whole number.

G. Grade

The average level of the finished surface of the ground at the front lot line.

H. Gross Floor Area (GFA)

The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. This does not include any floors devoted to parking.

I. Impervious Surface Coverage

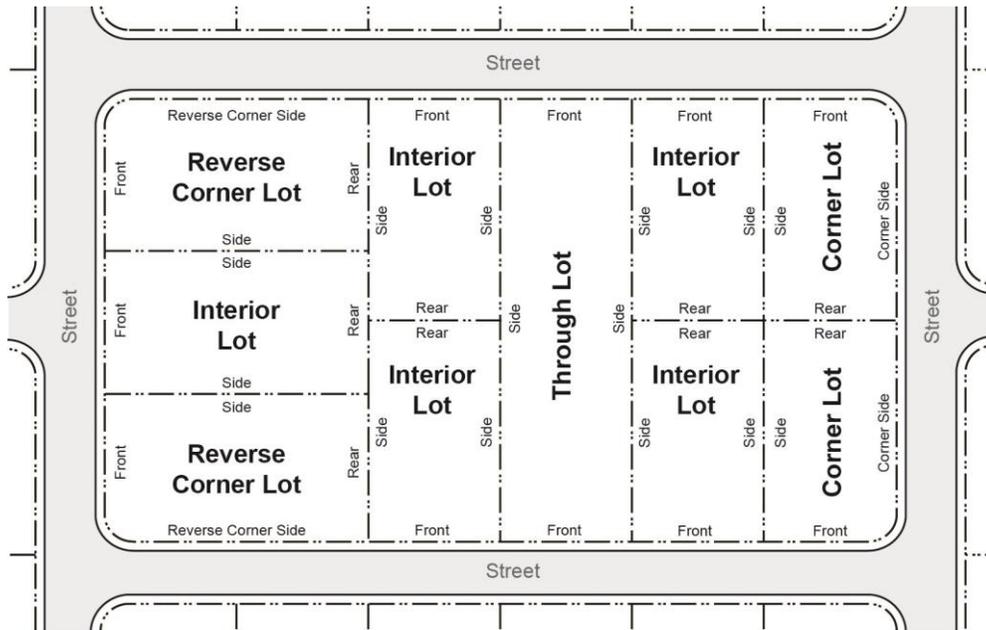
1. Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by all structures, pavement, and any other impervious surfaces that do not allow for the absorption of water into the ground. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area against the total area of the lot.
2. When pervious paving is used, it is calculated at a reduced percentage of impervious coverage, as follows:
 - a. Pervious concrete and open grid paving systems are calculated as 50% impervious surface, provided that no barrier to infiltration is installed beneath the material. Open grid pavers must be installed on a sand base, without an impervious liner, to qualify.
 - b. Other types of pervious surfaces, such as permeable pavers, porous asphalt, or gravel-crete, are credited based upon field performance data and coefficients of permeability provided by the manufacturer.

J. Lot

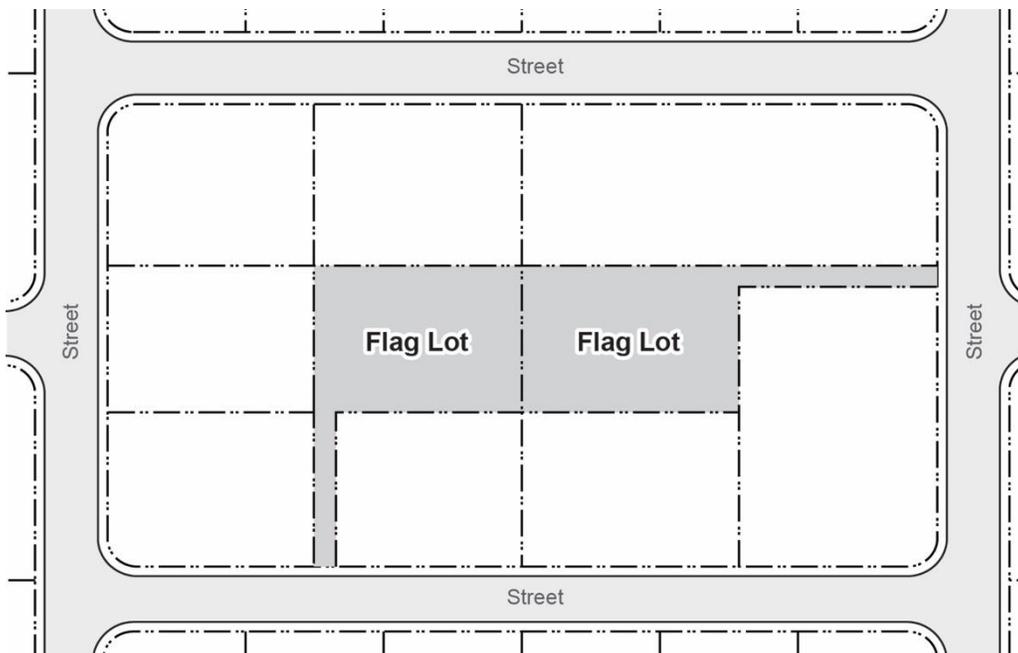
A lot is the basic development unit for determining compliance with lot area, depth, and other area and dimensional regulations of the Code, or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The following describes the types of lot configurations:

1. An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.
2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
3. A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double frontage lot.
4. A reverse corner lot is a corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.
5. A flag lot is platted so that the main building site area (the "flag") is set back from the street on which it fronts and includes an access strip (the "pole") connecting the main building site with the street. The creation of new flag lots is prohibited.

LOT TYPES



FLAG LOT



K. Lot Area

The total area within the boundaries of a lot, excluding any street right-of-way, usually defined in acres or square feet. Residential lot area does not include any lot area included within the 100-year floodplain.

L. Lot Depth

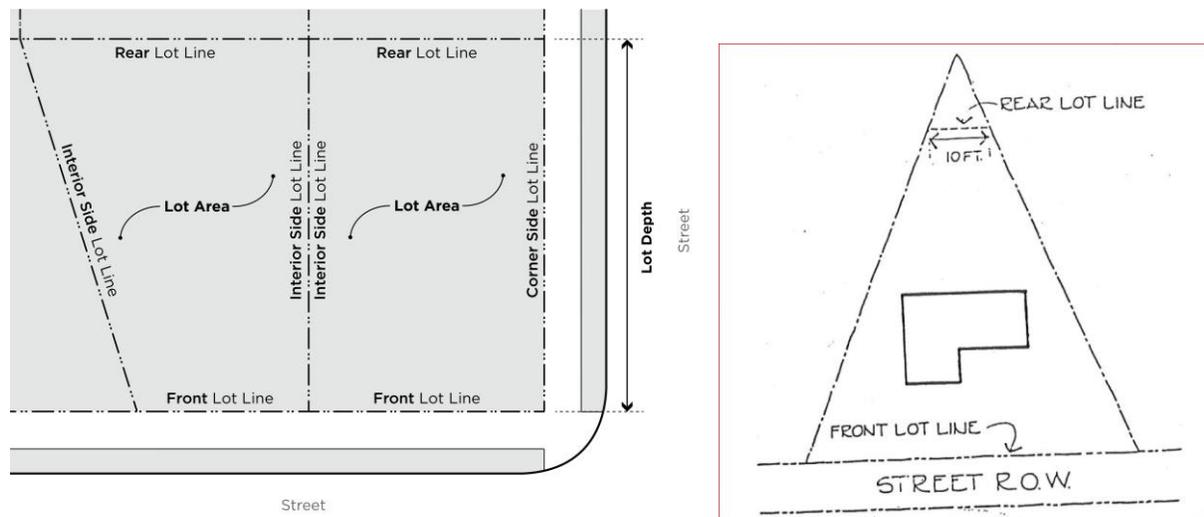
The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is the depth calculated at the deepest part of the lot.

M. Lot Line

A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space and includes:

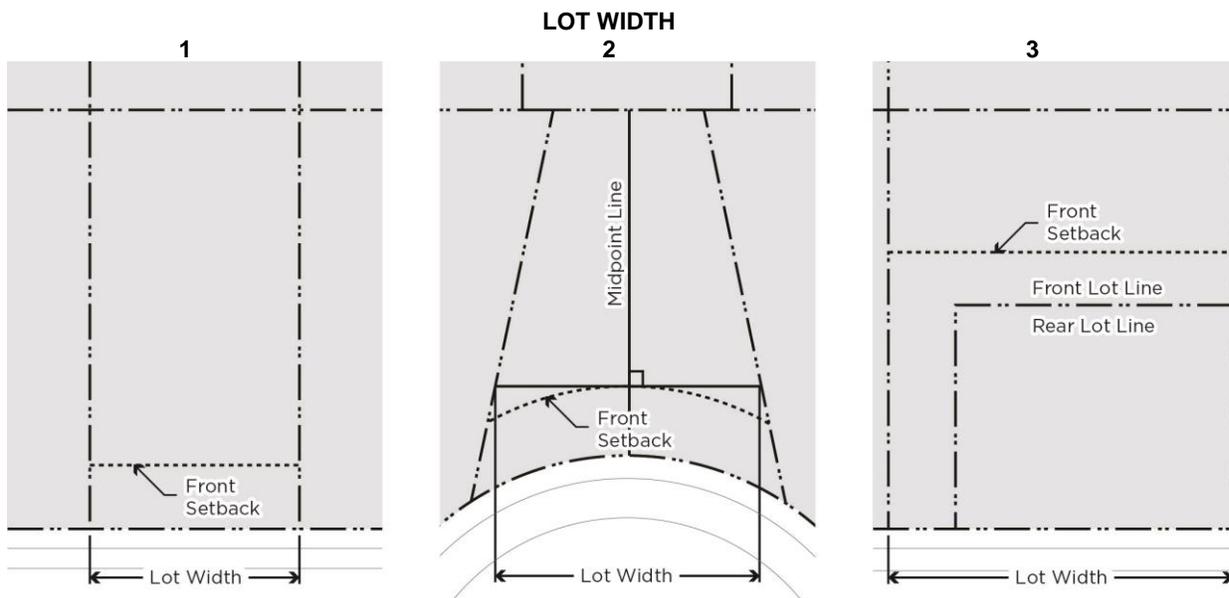
1. A front lot line is the lot line separating a lot from a street right-of-way. The front lot line of a corner lot is the shortest street lot line of a corner lot abutting a street. A front lot line for a through lot is both lot lines that abut a street.
2. A rear lot line is the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise **irregularly shaped lots**, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. The rear setback is measured from the calculated rear lot line on an irregular shaped lot.
3. On a corner lot, the corner side lot line is perpendicular or approximately perpendicular to the front lot line and is the longer street abutting lot line of a corner lot.
4. On an interior lot, the interior side lot line is perpendicular or approximately perpendicular to the front lot line and abuts the adjacent lot.
5. A street lot line is any lot line separating a lot from a street right-of-way.

LOT AREA, LOT DEPTH, & LOT LINES



N. Lot Width

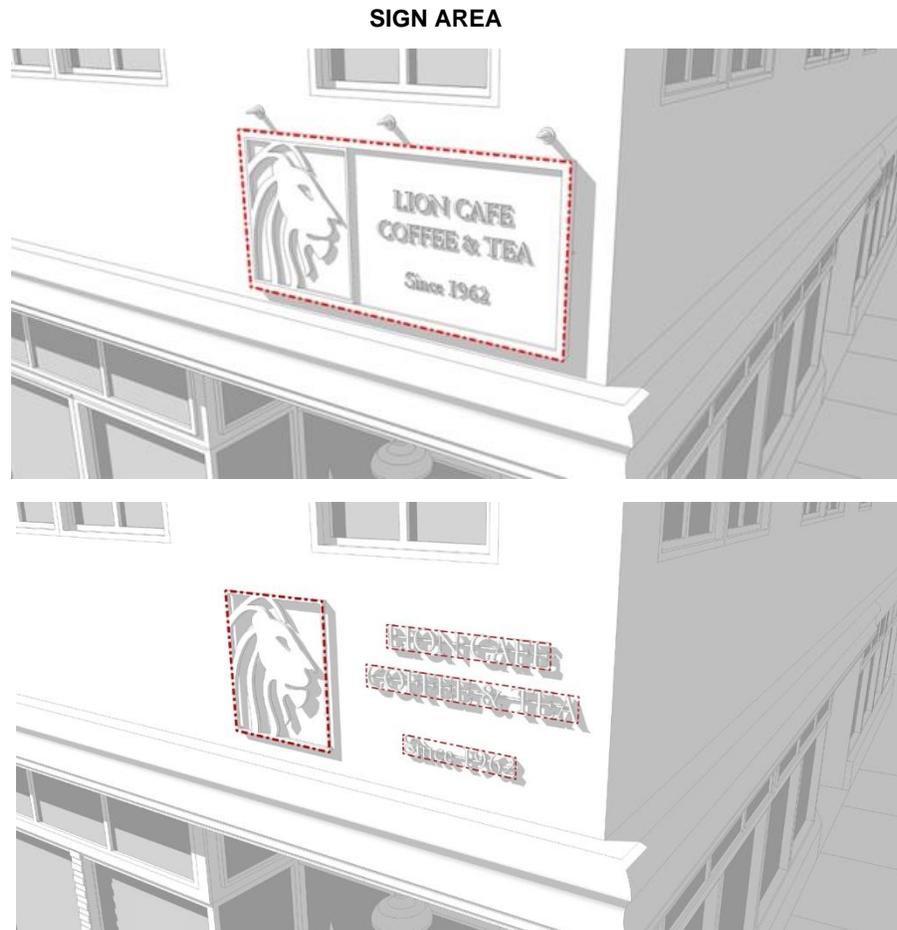
1. For regular lots, lot width is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the required front setback, build-to line, or farthest build-to line comprising a build-to zone.
2. On a lot with a radial (curved) front lot line, lot width is measured as follows:
 - a. A line is drawn at the midpoint of the lot between the side lot lines, extending from the front lot line to the rear lot line.
 - b. Where the required front setback intersects the midpoint line at a right angle, a line is drawn perpendicular to the midpoint line.
 - c. Lot width is determined as the length of the line between side lot lines.
3. For flag lots, lot width is measured at the required front setback as defined in this section. The creation of new flag lots is prohibited.



O. Sign Dimensions

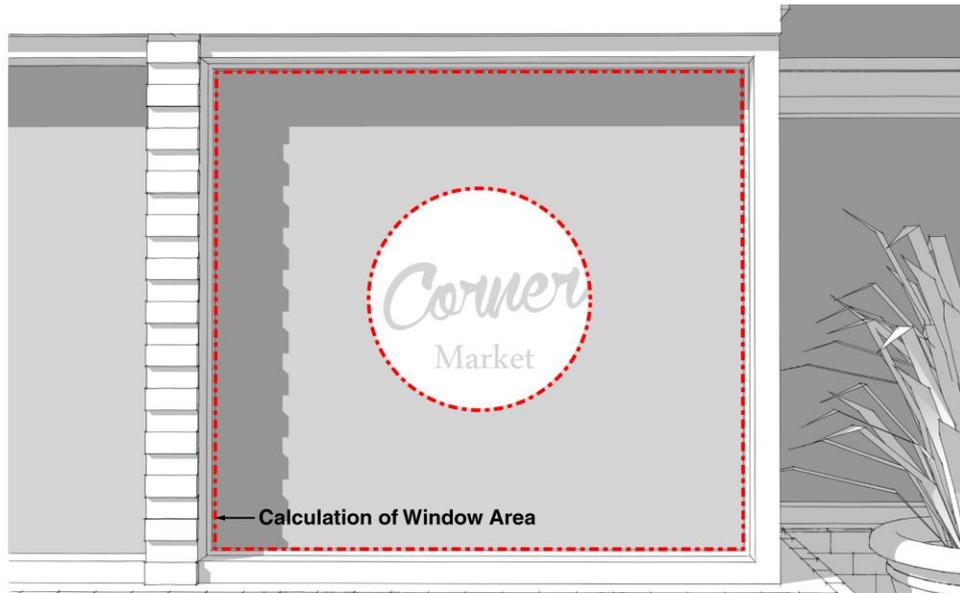
1. Calculation of Sign Area

- a. Sign area is calculated as the total exposed surface area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise a sign's message, including all background, ornamentation, embellishment, symbols, logos, letters, characters, other figures, or frames, whether structural or decorative. The calculation of sign area does not include any supports or bracing. This applied to both signs on a background and channel letter signs.



- b.** Window area for the purpose of calculating the maximum area of window signs is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area. Window sign area is calculated as the total surface area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise a sign's message. The transparent film around the perimeter of the individual letters or logos comprising the window sign and used to affix the window sign to the interior or exterior of a windowpane or glass door are exempt from the area calculations, provided that such portion of the transparent film maintains 100% transparency of the window.

WINDOW SIGN AREA



2. Measurement of Sign Height

For freestanding signs, sign height is measured as the vertical distance between the highest part of the sign, including any decorative elements, and either the ground level at its supports or the centerline of the public right-of-way, whichever is higher in elevation.

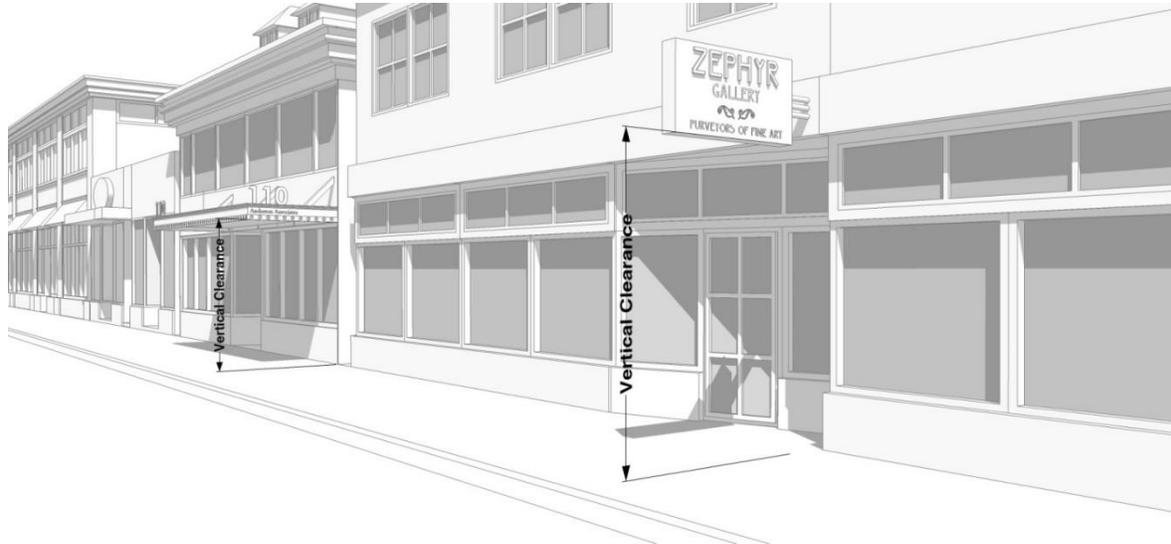
SIGN HEIGHT



3. Measurement of Vertical Clearance

For building-mounted signs, vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign.

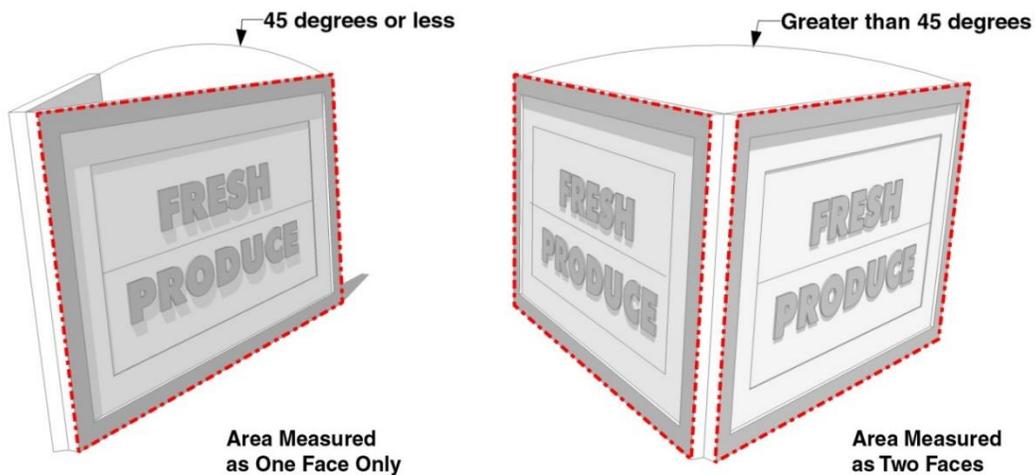
VERTICAL CLEARANCE



4. Determination of Number of Sign Faces

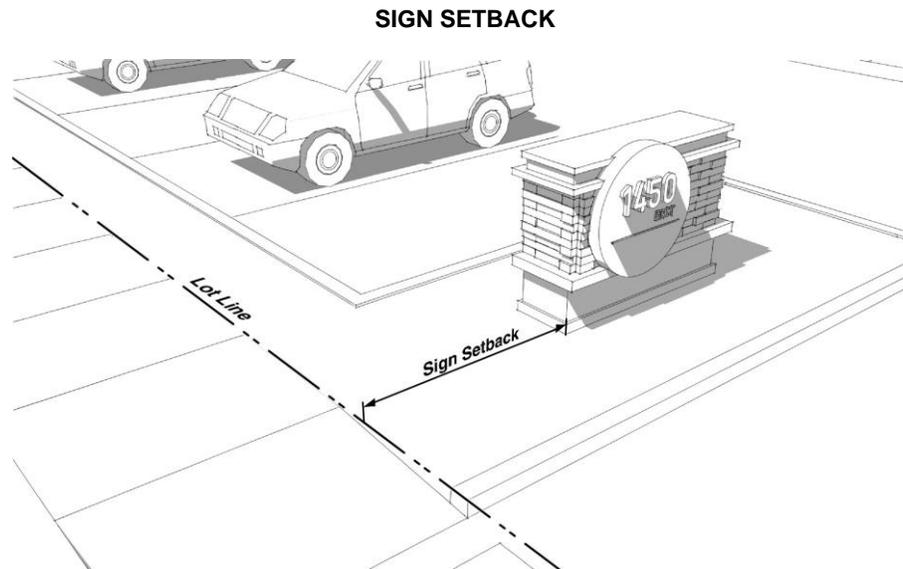
If the interior angle between two sign faces is 45° (degrees) or less, the sign area is computed as the area of one face only. If the angle between two sign faces is greater than 45° (degrees), the total sign area is computed as the sum of the areas of the two faces.

SIGN FACE



5. Sign Setback

A required sign setback is measured from the applicable lot line to the closest point of the sign.

**P. Transparency**

Where transparency is required as part of building or use design standards, it is calculated as the percentage of the total area of all windows and any architectural features and/or doors constructed of glass that allow a view into the structure that comprise the total area of the façade where they are located.

Q. Yards and Setbacks**1. General Definitions**

- a. A yard is the open space area between the building line, of a principal building and the adjacent lot line, exclusive of facade articulation, such as window or wall recesses and projections.
- b. A required setback is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building, unless permitted by this Code.
 - i. A build-to zone or build-to line is considered a required setback.
 - ii. In the case of a build-to line it is where the principal building must be located.
 - iii. In the case of a build-to zone, it is the defined area (defined by minimum and maximum build-to lines) where the principal building must be located.
- c. A setback may be equal to or lesser than a yard.
- d. A setback is located along the applicable lot line for the minimum depth specified by the zoning district in which such lot is located.

2. Front Yard and Front Setback

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

- a. Front Yard: A front yard is located between a principal building line and the front lot line.
- b. Front Setback: A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line.
- c. A front setback is measured from the right-of-way line.
- d. Front setbacks on irregular lots are subject to these additional provisions:
 - i. On a lot with a radial (curved) front lot line, the required front setback, as measured from the right-of-way line follows the curve of the lot line. (See lot width illustration in item N above)
 - ii. For flag lots, the front yard and setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street. (See lot width illustration in item N above)

3. Interior Side Yard and Interior Side Setback

The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard or setback, measured perpendicular to the interior side lot line.

- a. Interior Side Yard: An interior side yard is located between a principal building line and the interior side lot line.
- b. Interior Side Setback: An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line.
- c. For townhouse developments, the interior side yard and interior side setback are applicable to end units only.

4. Corner Side Yard and Corner Side Setback

The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

- a. Corner Side Yard: A corner side yard is located between a principal building line and the corner side lot line.
- b. Corner Side Setback: A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line.

5. Rear Yard and Rear Setback

The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line.

- a. Rear Yard: A rear yard is located between a principal building line and the rear lot line.
- b. Rear Setback: A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line.
- c. In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback for the, measured perpendicular to the rear lot line.

6. Reverse Corner Side Yard and Setback

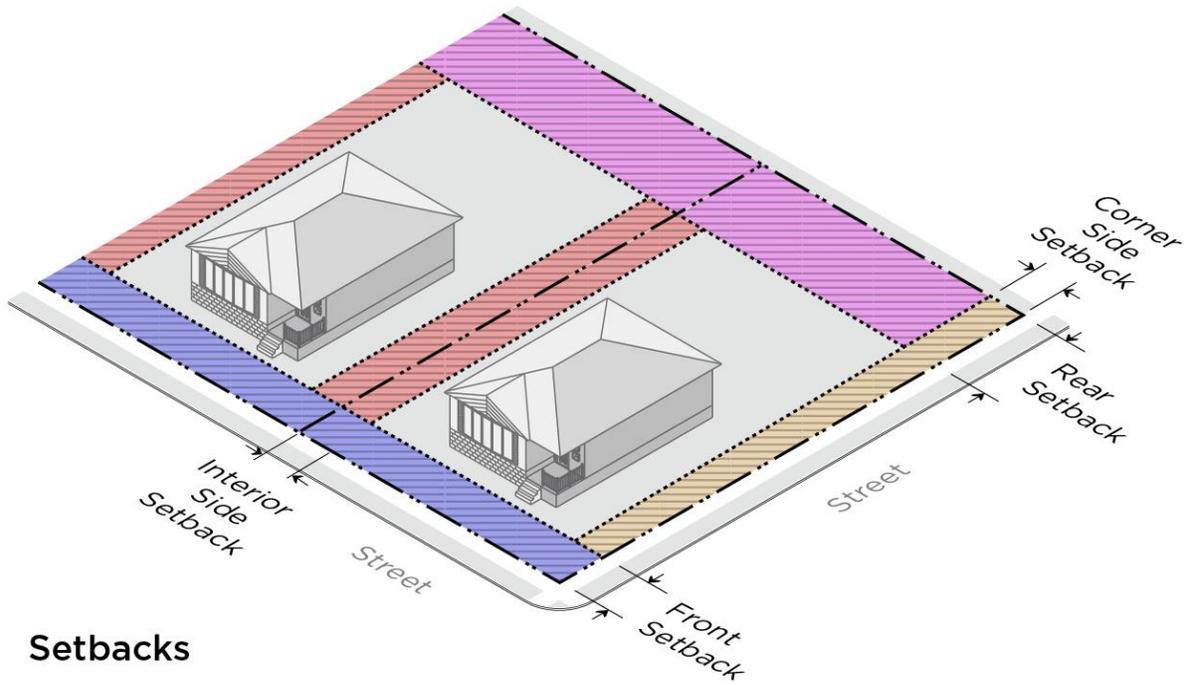
The reverse corner side yard and setback extends along the corner side lot line between the front yard and the rear lot line, measured perpendicular to the corner side lot line. The corner side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.

- a. Reverse Corner Side Yard: A reverse corner side yard is located between a principal building and the corner side lot line.
- b. Reverse Corner Side Setback: A reverse corner side setback is the required minimum distance per the zoning district that a principal building must be located from corner side lot line.

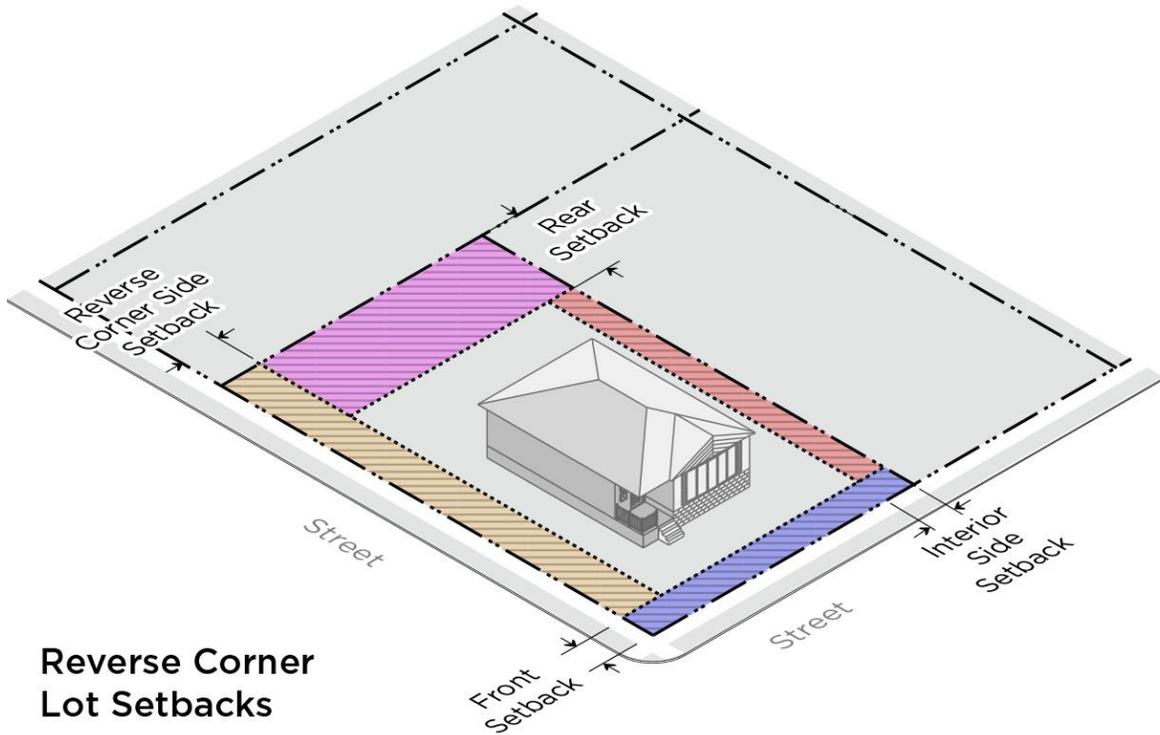
7. Yard and Setback Requirements for Through Lots

- a. For through lots, both street setbacks must meet the required front setback of the zoning district.
- b. In addition, any structure located within 25 feet of a street setback line must be no closer to any side lot line than the distance required for side setbacks on adjoining properties fronting on that street.

SETBACKS

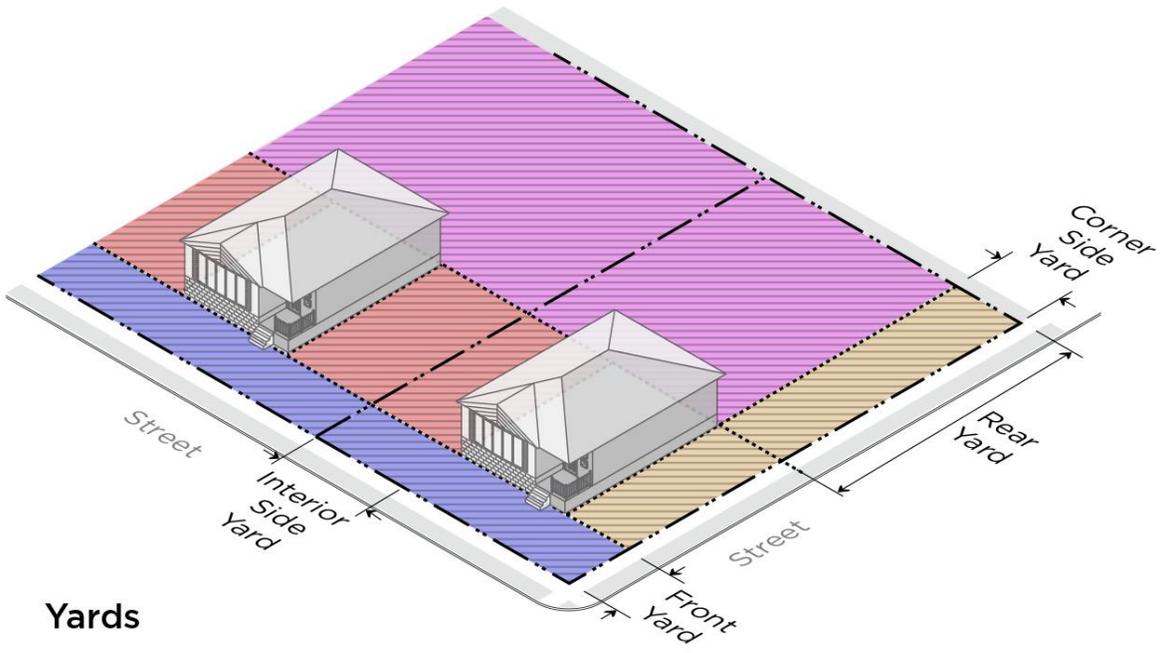


Setbacks

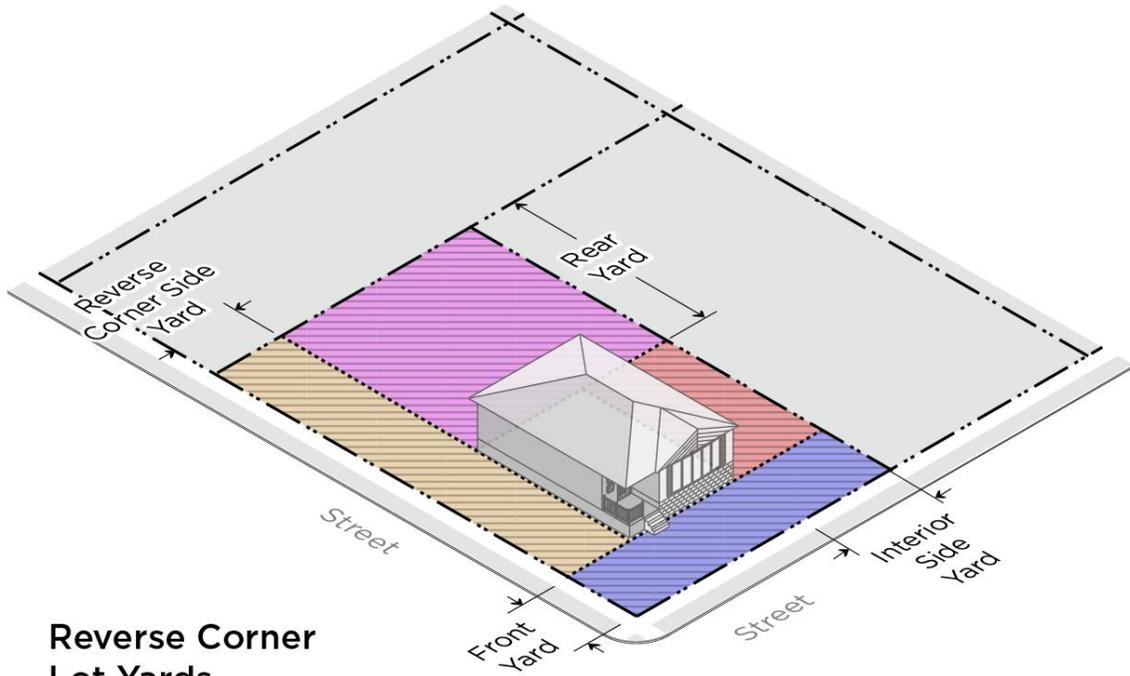


Reverse Corner Lot Setbacks

YARDS



Yards



Reverse Corner Lot Yards

ARTICLE 13. ZONING APPLICATIONS

- 13.1 GENERAL PROCESSES
- 13.2 ZONING TEXT AND MAP AMENDMENT
- 13.3 SPECIAL USE
- 13.4 VARIANCE
- 13.5 PLANNED DEVELOPMENT
- 13.6 SITE PLAN REVIEW
- 13.7 ZONING INTERPRETATION
- 13.8 SIGN PERMIT
- 13.9 TEMPORARY USE PERMIT
- 13.10 ZONING APPEALS

13.1 GENERAL PROCESSES

A. Application Process

1. Filing, Pre-Application Conference, and Referrals

a. All zoning applications must be filed with the Planning Department. The application must be on forms provided by the City and filed in such quantity and with such submittals as required by the instructions.

b. Prior to formal submittal of an application, the applicant is strongly encouraged to schedule a pre-application conference with the Planning Department. This pre-application conference is optional. The purpose of a pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the formal application.

c. Prior to final decisions on the applications, during the review and recommendation process, the application may be referred to other city, county and state or federal governmental authorities for review and comment.

2. Applications in Proximity to Historically Significant Sites

Any site the subject of a zoning application that is located within 300 feet of a property designated historically significant site, as designated by the Board of Mayor and Aldermen or on the National Register of Historic Places, must be reviewed and a recommendation made by the Spring Hill Historic Commission prior to the final decision on the application.

3. Completeness

a. An application must include all information, plans, and data as specified in the application requirements. The Planning Department will examine all applications within ten days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Planning Department will reject the application and provide the applicant with the reasons for the rejection in writing. The Planning Department will take no further steps to process the application until all deficiencies are remedied.

b. After an application is determined to be complete and before action is taken on the application, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees.

c. If the Planning Department requests additional information outside of the specific application requirements, this additional information does not disqualify the application as being complete if all other requirements have been provided. The applicant may choose to contest the requirement of such additional information to the Planning Commission.

4. Fees

Each application must be accompanied by the required filing fee, as established and modified, from time to time, as provided in the Municipal Code. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by the City then all fee requirements are considered waived.

5. Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled. The applicant must submit a request for withdrawal in writing. There will be no refund of fees.

6. Consideration of Successive Applications

a. Within one year of the date of denial, a subsequent application for the same zoning request will not be accepted or processed unless the Planning Director determines there is substantial new evidence available, the request is substantially different, or if a significant mistake of law or of fact affected the prior denial, or the Board of Mayor and Aldermen and/or the Mayor chooses to reconsider the application.

b. If the application is resubmitted earlier than one year from the date of denial, the subsequent application must include a detailed statement and information justifying reconsideration. If the Planning Director finds that there are no new grounds for consideration of the subsequent application, the Planning Director will summarily, and without hearing, deny the request.

c. The Planning Commission will hear appeals of the Planning Director decision that there are no new grounds to consider the application.

B. Notice

1. Required Notice

Table 13-1: Zoning Approvals Required Notice indicates the types of notice required for zoning applications. If the specific requirements of a zoning approval process contain contradictory information to Table 13-1, the specific requirements of the zoning approval control.

Table 13-1: Zoning Approvals Required Notice			
Zoning Application	Notice Type		
	Published	Mailed	Posted On Property
Zoning Text Amendment Notice for Public Hearing	•		
Zoning Map Amendment Notice for Public Hearing	•	•	•
Special Use Notice for Public Hearing	•	•	•
Variance Notice for Public Hearing	•	•	•
Zoning Appeals Notice for Public Hearing	•		

2. Published Notice

When published notice is required, the Planning Department will publish notice in a newspaper of general circulation within the City. The notice must include the date, time, place, and purpose of such hearing/meeting, the name of the applicant, and the address of the subject property. Notice must be published no less than 15 days and no more than 30 days in advance of the scheduled action.

3. Mailed Notice

The following mailed notice requirements apply to all applications that require mailed notice.

a. Written notice must be mailed by U.S.P.S. First Class mail at least ten days in advance of the first scheduled action to all property owners within 500 feet of the property line of the subject property for all notices except variances, which require notice to adjoining property owners. The notice must include the date, time, place, and purpose of such hearing/meeting, the existing and proposed zoning districts for rezoning requests, the nature of the use for special use requests, the name of the applicant, and the address of the subject property. When a zoning map amendment is proposed by the City, notification must also be mailed to the owner of the subject property. (Ord. 19-09, 4/15/19)

- b. Nothing in this section is intended to prevent the applicant or the City from giving additional notice as he/she may deem appropriate.
- c. The applicant is responsible for mailing notices and must provide the City with an affidavit stating that notice was mailed to every property owner as required and provide the City with a list of names, addresses, and property identification numbers (PIN) of all notice recipients, and a map indicating the boundaries of the notice area. The applicant must also provide the City an example of the notice sent.

4. Posted Notice

When posted notice is required, it must be located on the subject property in accordance with the following provisions:

- a. The required posting period must be at least seven days in advance of the first scheduled action. The sign must be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. Properties with more than one street frontage are required to post one sign on each street frontage. Posted signs will be removed the day following final action.
- b. When a sign is posted for a public hearing/meeting, the sign must include the date, time, place, and purpose of such hearing/meeting.
- c. The City will install and maintain the sign during the required posting period.

C. Public Hearing

1. Pre-Hearing Examination

Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to any exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies.

2. Conduct of the Public Hearing

The public hearing must be conducted in accordance with any applicable requirements of Tennessee law and the rules and regulations of the body conducting the hearing.

3. Continuance of the Public Hearing

The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all applicable forms of required notice must be given that is required for the initial public hearing.

D. Planning Director Designee

The Planning Director may designate one or more City staff persons to act as a designee for his/her authority in the zoning approval processes of this Article; however, a zoning decision may only be rendered once.

E. Vesting of Development

In accordance with TCA Section 13-4-310, the following provides for the Vesting of developments through zoning applications. Table 13-2: Vesting Timeline provides for vesting within the City, under state law, for the types of plans approved, the vested right, and what action triggers the vesting. (*Ord. 19-09, 4/15/19*)

- 1. During the vesting periods listed below, the adopted standards in effect on the date of approval of the required preliminary approval or final development approval where preliminary approval is not required remain the development standards applicable to the property.
- 2. The applicable vesting periods are listed in Table 13-2.
- 3. The vesting period outlined in Table 13-2 may be terminated upon the following conditions:
 - a. When the applicant violates the terms and conditions specified in the approved development plan or building permit. The applicant has 90 days from the date of the written notification to resolve the violation, unless provided additional time from the City.

b. Upon a finding by the City that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or approval of a development plan or did not construct the development in accordance with the approved building permit or the approved development plan or an approved amendment for the building permit or the development plan.

c. Upon the written determination by the City of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time.

d. Upon enactment or promulgation of a State or Federal law, regulation, rule, policy, corrective action, or other governance that is required to be enforced by the City and that precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within 90 days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

4. For a Planned Development Final Plan or Site Plan listed in Table 13-2. Provided the applicant obtains and maintains all permits necessary for site preparation, and commences site preparation within three (3) years, the vesting period in Table 13-2 shall be extended an additional two (2) years for a maximum of five (5) years. In order to maintain vesting during the additional two-year period, the applicant shall maintain all permits necessary for construction and shall commence construction within the two-year (2) extension period.

5. For a Planned Development Final Plan or Site Plan listed in Table 13-2. Provided the applicant commences construction during the initial three (3) year vesting period, the development standards applicable during the vesting period remain in effect until a final certificate of occupancy is issued; provided, the total vesting period of the project cannot exceed ten (10) years from the date of application approval for non-phased developments or fifteen (15) years for phased developments, as specified in Table 13-2, during which time the applicant must maintain all necessary permits during this period to remain vested.

Table 13-2: Vesting Timeline						
Application	Approval	Effective Date	Vesting Period	Total Vesting Period (No Phasing)	Required Actions	Phasing (No/Yes)
Planned Development Concept Plan	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Planned Development Preliminary Plan	BOMA Approval	Date of approval	3 years	3 years	Receive Final Plan Approval	Not Applicable
Planned Development Final Plan	Planning Commission Approval	Date of approval	3 years / 5 years with construction	10 years (with construction)	Site Preparations; Complete construction; and Maintain permits	10/15 years
Site Plan	Planning Commission Approval	Date of approval	3 years / 5 years with construction	10 years (with construction)	Site Preparations; Complete construction; and Maintain permits	10/15 years

6. An amendment or revision to an approved plan by the developer must be reviewed per this Article, as applicable, and approved by the Planning Commission or Board of Mayor and Aldermen in order to retain the protections of the vested property right. An amendment or revision may be denied based upon a finding that the amendment or revision does one or more of the following:

- a. Alters the proposed use
- b. Increases the overall area of the development
- c. Alters the size of any nonresidential structures included in the development plan
- d. Increases the density of the development so as to affect traffic, noise or other environmental impacts

- e. Increases any local government expenditure necessary to implement or sustain the proposed use

If an amendment or revision is denied, the applicant may either proceed under the prior approved plan with the associated vested property right or allow the vested property right to terminate and submit a new application.

13.2 ZONING TEXT AND MAP AMENDMENT

A. Purpose

The regulations imposed by the zoning regulations of this Code and of the Zoning Map may be amended from time to time in accordance with this section. The process for amending the zoning regulations or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. Initiation

1. The Board of Mayor and Aldermen, the Planning Commission, or a property owner in the City, or his/her designee, may propose a zoning text amendment.
2. The Board of Mayor and Aldermen, the Planning Commission, or a property owner in the City, or his/her designee, may propose zoning map amendments. A property owner may only request a map amendment for his/her property.

C. Authority

1. The Board of Mayor and Aldermen, after receiving a recommendation from the Planning Commission, will take formal action on requests for zoning text or zoning map amendments unless restricted by this section as described in item 2 below.
2. Tennessee State Law requires divided authority and responsibility between zoning regulations, subdivision regulations, and design review guidelines. This division of authority is described below. Articles and sections of this Code not cited below are amended by the Board of Mayor and Aldermen per this section.

a. Subdivision Regulations

The Planning Commission is charged with amending the subdivision regulations, per Tennessee Code Annotated (TCA), 13-4-301, et seq. as described in Section 17.2. The following Articles comprise the subdivision regulations that are amended by the Planning Commission:

- i. Article 15. Subdivision Regulations - Required Improvements and Bonds
- ii. Article 16. Subdivision Regulations - Right-of-Way Design and Access Management
- iii. Article 17. Subdivision Regulations - Approval Process

b. Design Review Guidelines

The Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission, is charged with amending design review guidelines per Tennessee Code Annotated § 6-54-133.

- i. Article 18 - Design Review Guidelines is amended by the Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission.
- ii. The Design Review Commission, or the Planning Commission if the City has designated the Planning Commission the role of Design Review Commission, is charged with amending the following design standards:
 - (A) Section 5.4 - Design Standards
 - (B) Section 6.4 - Design Standards
 - (C) Section 5.5.C – Design Standards

- (D) Section 5.6.B – Design Standards
- (E) Section 7.1.D - Design Standards
- (F) Section 7.3.D - Design Standards
- (G) Section 8.3.K - Dwelling - Multi-Family or Townhouse (design standards only as indicated)
- (H) Section 8.3.M - Dwelling - Two-Family or Three-Family (design standards only as indicated)

D. Procedure

All applications must be filed with the Planning Department. Once it is determined that the application is complete, the Planning Department may schedule the application for review by appropriate City departments in advance of consideration by the Planning Commission. Amendments initiated by the Board of Mayor and Aldermen or the Planning Commission also require an application, but are exempt from fees.

1. Utility Flow and Capacity Analysis for Water and Sewer Services for Map Amendments

a. To confirm sufficiency of water and sewer systems to serve the subject property if the amendment were adopted, a Utility Flow and Capacity Analysis for Water and Sewer Services shall be prepared to confirm availability and sufficiency of utilities as well as public infrastructure utility improvements necessary to serve the subject property. Sufficiency and adequacy of water and sewer utility services should take into consideration the full array of permitted uses and special uses permitted if the amendment were adopted.

Action by Planning Commission

- a. Upon receipt of a complete application, the Planning Commission will consider the proposed zoning text or map amendment.
- b. The Planning Commission must evaluate the application based upon the evidence presented, pursuant to the approval standards of this section. For zoning text amendments, the Planning Commission must recommend approval, approval with modifications, or denial of the application. For zoning map amendments, the Planning Commission must recommend approval or denial of the application.
- c. After the close of the meeting, the Planning Commission must forward its recommendation to the Board of Mayor and Aldermen, unless an extension is agreed to by the applicant.

2. Action by Board of Mayor and Aldermen

- a. The Board of Mayor and Aldermen will hold a public hearing on the application following receipt of the Planning Commission recommendation.
- b. Following the close of the public hearing, the Board of Mayor and Aldermen must take action in the form of approval, approval with modifications, or denial on applications for zoning text amendments, and approval or denial on applications for zoning map amendments.
- c. If the Planning Commission has recommended denial, the Board of Mayor and Aldermen must approve with a favorable two-thirds vote.

E. Approval Standards

The Board of Mayor and Aldermen decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Planning Commission and the Board of Mayor and Aldermen must consider the following standards. The approval of amendments is based on a balancing of these standards.

1. Approval Standards for Map Amendments

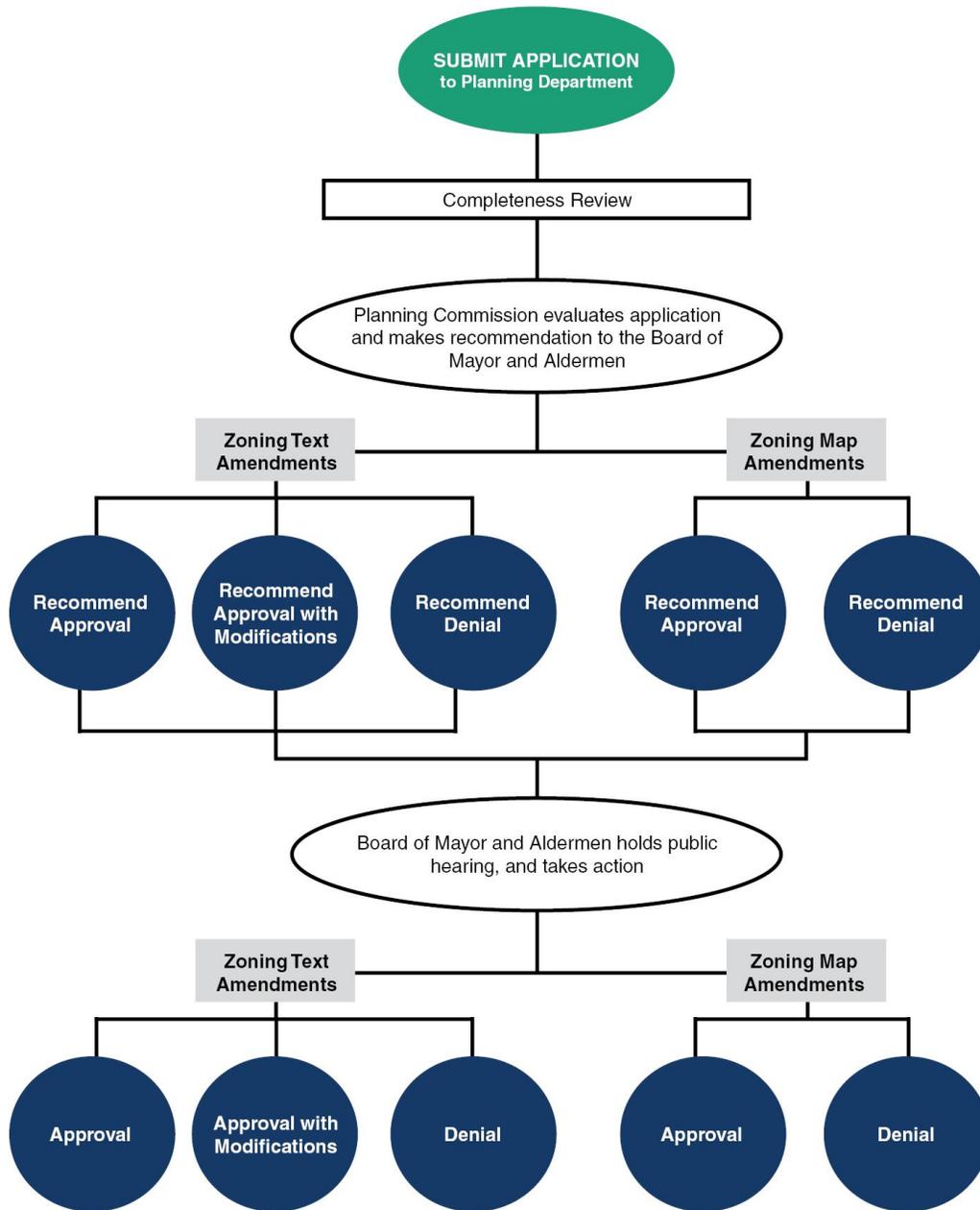
- a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- b. The compatibility with the existing use and zoning of nearby property.

- c. The extent to which the proposed amendment creates nonconformities.
- d. The trend of development, if any, in the general area of the property in question.
- e. That there are no adverse impacts on public health, safety, and welfare.
- f. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to or concurrent with the development of the site, which would be permitted on the subject property if the amendment were adopted.

2. Approval Standards for Text Amendments

- a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- b. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
- c. The extent to which the proposed amendment creates nonconformities.
- d. The consistency of the proposed amendment with the intent and general regulations of this Code.

Zoning Text & Map Amendment



13.3 SPECIAL USE

A. Purpose

This Code is based upon the division of the City into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

B. Initiation

A property owner in the City, or his/her designee, may file an application to use his/her land for one or more of the special uses authorized within the zoning district. A property owner may only propose a special use for property under his/her control.

C. Authority

The Board of Zoning Appeals will take formal action on special use applications.

D. Procedure

An application for a special use must be filed with the Planning Department. Once it is determined that the application is complete, the Planning Department may refer the application for review and comment by appropriate City departments prior to scheduling the application for consideration by the Board of Zoning Appeals.

1. To confirm sufficiency of water and sewer systems to serve the subject property if the special use were approved, a Utility Flow and Capacity Analysis for Water and Sewer Services shall be prepared to confirm availability and sufficiency of utilities as well as public infrastructure utility improvements necessary to serve the subject special use.
2. Upon receipt of a complete application, the Board of Zoning Appeals will consider the special use at a public hearing.
3. The Board of Zoning Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Board of Zoning Appeals must either approve, approve with conditions, or deny the special use.
4. The Board of Zoning Appeals may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as may be deemed necessary for the protection of the public health, safety, and welfare.

E. Approval Standards

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Code. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The decision of the Board of Zoning Appeals must make findings to support each of the following conclusions:

1. The consistency of the proposed special use with the Comprehensive Plan and any adopted land use policies.
2. The special use in the specific location proposed is consistent with the spirit and intent of this Code.
3. The proposed special use will not endanger the public health, safety, or welfare.
4. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
5. The special use in the specific location has sufficient public infrastructure and services to support the use.

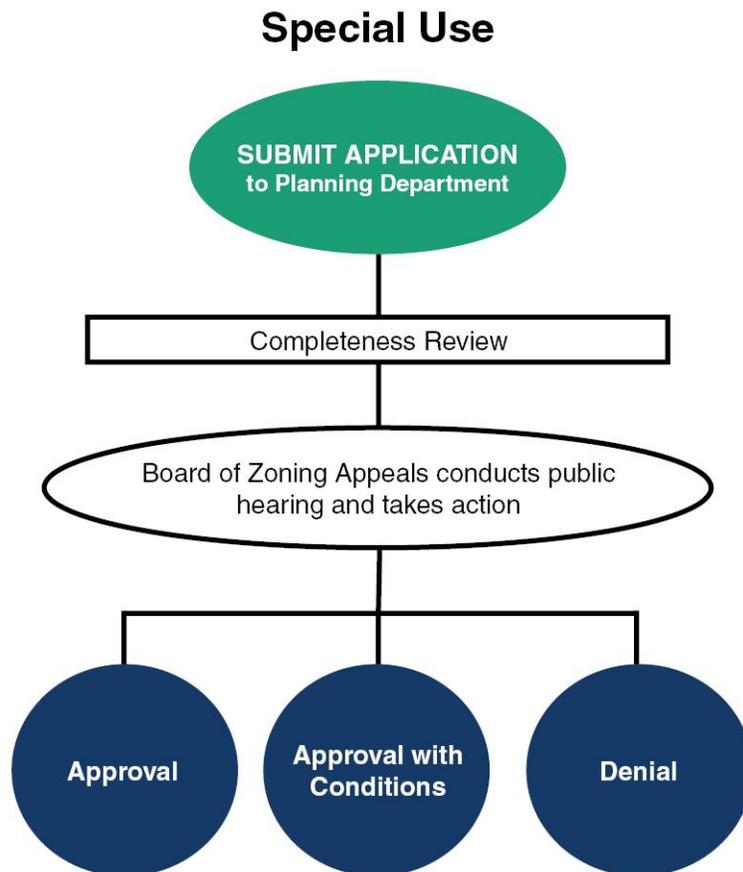
F. Modifications to Approved Special Uses

Any modifications to the conditions of approval for a previously approved special use must be resubmitted as a new special use application. Any modifications that meet Code standards are permitted, subject to the regulations of this Code.

G. Expiration

A special use approval expires if any one of the following conditions occurs and no request for an extension of the special use approval is pending.

1. When an approved special use is changed to a permitted use.
2. For special uses approved in conjunction with new construction or additions or enlargements to an existing structure, the special use approval expires one year following the date of approval if a site plan review application has not been submitted or, where site plan review is not required, a building permit has not been issued. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time
3. For special uses approved in conjunction with an existing structure or on a lot where no structure is planned, the special use approval expires within one year of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time



13.4 VARIANCE**A. Purpose**

The purpose of the variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of the zoning regulations of this Code that create practical difficulties or particular hardships.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a variance. A property owner, or his/her designee, may only propose a variance for property under his/her control.

C. Authority

1. The Board of Zoning Appeals will take formal action on variances from the zoning regulations, unless restricted by this section.
2. Variances to the subdivision regulations of Article 15, 16, and 17 are reviewed and approved by the Planning Commission per Article 17.

D. Procedure

All applications must be filed with the Planning Department. Once it is determined that the application is complete, the Planning Department will schedule the application for consideration by the Board of Zoning Appeals.

1. Upon receipt of a complete application, the Board of Zoning Appeals will consider the variance at a public hearing.
2. The Board of Zoning Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Board of Zoning Appeals will either approve, approve with conditions, or deny the variance.
3. The Board of Zoning Appeals may impose such conditions and restrictions upon the variance as may be deemed necessary for the protection of the public health, safety, and welfare. The Board of Zoning Appeals may grant a variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the variance application.

E. Approval Standards

The Board of Zoning Appeals may authorize a variance from the strict application of this Code so as to relieve such difficulties or hardship only in accordance with the following criteria. The Board of Zoning Appeals must make findings of fact on all criteria.

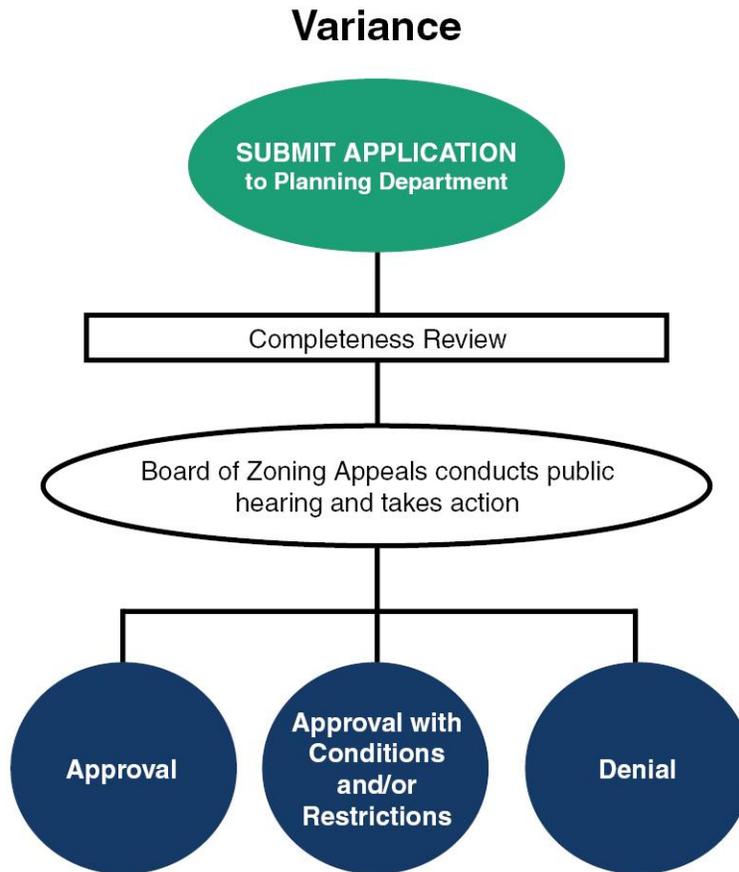
1. Where, by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the enactment of this Code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property it is not able to comply with the regulations as required under this Code.
2. The strict application of any provision enacted under this Code would result in peculiar and exceptional practical difficulties to or exception or place undue hardship upon the owner of such property.
3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this Code.

F. Limitations

1. In granting variances, the Board of Zoning Appeals has no power to take any action that has the effect of allowing a use that is prohibited in the applicable base or overlay district. Any such action that has is deemed a violation of powers of this section and has no force and effect.
2. The fact that a site or development does not conform to this Code prior to the consideration of a variance application cannot be used as a basis for the granting of a variance.

G. Expiration of Variance

An approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.



13.5 PLANNED DEVELOPMENT

A. Purpose

Planned Developments (PD) are intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide enhanced amenities or design features to the City. The underlying zoning district dimensional, design, and use regulations apply to a PD unless specifically modified through the approval process. Through the flexibility of the planned development technique, a PD is intended to:

1. Encourage flexibility in the development of land and in the design of structures.
2. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Code.
3. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.
5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
8. Facilitate the implementation of adopted City land use policies, particularly with respect to areas planned for potential redevelopment.

B. Initiation

The entire property proposed for the planned development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals will bind all owners.

C. Authorization

1. A planned development is authorized in all zoning districts with the following exceptions:
 - a. It is prohibited in the R-MH, AG, PR, and NA Districts.
 - b. A planned development is authorized in the R-A District but only as a conservation design in accordance with item G below.
2. A planned development must be granted in accordance with the procedures and standards of this section. Unless specifically approved as part of the planned development approval, the requirements of the underlying district apply.
3. Planned development approval is separate from subdivision approval. PD approval may be granted first, whereby subdivision approval would be granted subsequently in compliance with the approved lot layout design.

D. Exceptions From District Regulations

1. A planned development is subject to the underlying district dimensional, design, and use regulations unless an exception is specifically granted. The Planning Commission may recommend and the Board of Mayor and Aldermen may grant exceptions to the zoning district dimensional, design, and use regulations where a planned development is located.
2. Exceptions from district regulations may be granted for planned developments, if the exceptions:
 - a. Enhance the overall merit of the planned development.
 - b. Promote the objectives of both the City and the development.

- c. Enhance the quality of the design of the structures and the site plan.
 - d. Will not cause excessive adverse impact on neighboring properties.
 - e. Are compatible with adopted City land use policies.
 - f. Provide a public benefit to the City, as described in item 4 below.
 - g. Will not cause undue burden upon the City's utility and infrastructure systems or ability to serve the property with municipal services.
3. No exceptions can be requested from subdivision regulations in Articles 15, 16, and 17.
4. The underlying zoning district dimensional, design, and use regulations apply, unless an exception is granted as part of the planned development approval. Exceptions to district regulations may be granted where it is determined that such modifications do not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or traffic circulation on-site and off-site. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the City. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:
- a. Community amenities including plazas, malls, formal gardens, places to congregate, and pedestrian facilities.
 - b. Improvement of existing public or private on-site and off-site infrastructure.
 - c. Preservation of existing environmental features.
 - d. Preservation of historic features and adaptive reuse of existing buildings.
 - e. New open space and recreational amenities such as recreational open space, including parks and playgrounds, natural water features and conservation areas, active and passive recreational uses, jogging trails and fitness courses, dog parks, skate parks, and similar recreational features.
 - f. Reduction of impervious surface coverage throughout the development below the threshold required by the zoning district and incorporation of stormwater best management practices.
 - g. Provision of public car and/or bike share facilities.

E. Procedure

The following procedures, requirements, restrictions, and conditions are required. The approval of a planned development includes a pre-application consultation, concept plan review, preliminary plan approval, and final plan approval. A neighborhood meeting is encouraged but not required.

1. Pre-Application Consultation Required

- a. Prior to formal submittal of an application, a pre-application conference with the Planning Director is required. The pre-application conference may include other government officials.
- b. At a pre-application consultation, the applicant must provide information as to the location of the proposed planned development, the proposed uses, proposed improvements, including the public benefits and amenities, anticipated exceptions to this Code, and any other information necessary to explain the planned development.
- c. The purpose of such pre-application consultation is to make advice and assistance available to the applicant before preparation of concept plan, so that the applicant may determine whether the proposed planned development is in compliance with the provisions of this Code and other applicable regulations, and whether the proposed planned development aligns with the adopted land use policies of the City.

d. The pre-application conference does not require formal application, fee, or filing of a planned development application. Any opinions or advice provided by the City is in no way binding with respect to any official action that may be taken on the subsequent formal application.

2. Neighborhood Meeting (Optional)

A prospective applicant, prior to submitting a formal application for a planned development, is encouraged to conduct a neighborhood meeting.

a. The prospective applicant should provide written notice to all property owners within 1,000 feet of the subject property at least 15 calendar days prior to the scheduled neighborhood meeting. The notice should contain a description of the proposed project, meeting place, time, date, and contact information of the prospective applicant.

b. The notice should be sent through regular mail by the applicant. The applicant should submit the list of attendees and the list of property owners who were sent notice of the neighborhood meeting, as well as an example of the type of notice sent.

c. The applicant should present and have available the material required for the concept plan meeting (item 3 below) to the public.

d. Following the neighborhood meeting, the applicant should provide to the Planning Director a summary of the comments heard at the meeting. Such summary will be provided to the Planning Commission as part of the concept plan.

e. The neighborhood meeting does not require formal application, fee, or filing of a planned development application. Any opinions or advice provided by the public or any officials in attendance are in no way binding with respect to any official action that may be taken on the subsequent formal application.

3. Concept Plan

Before submitting a formal application for a planned development, the applicant must present a concept plan before the Planning Commission for the purpose of obtaining information and guidance prior to formal application.

a. The concept plan will be presented at a public meeting and no notice is required. At minimum, the concept plan must consist of the following:

i. A map (or maps) in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site.

ii. To confirm sufficiency of water and sewer systems to serve the subject property if the planned development were approved, a Utility Flow and Capacity Analysis for Water and Sewer Services shall be prepared to confirm availability and sufficiency of utilities as well as public infrastructure utility improvements necessary to serve the subject planned development.

iii. A written statement containing a general explanation of the planned development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.

iv. A summary of the comments heard at the neighborhood meeting, if applicable.

b. The Planning Commission will review the concept plan, and provide such information and guidance it deems appropriate. Any opinions or advice provided by the Planning Commission is in no way binding with respect to any official action the Planning Commission may take on the subsequent formal application. The review of the concept plan is not a public hearing. No decision will be made on the application. Therefore, no vesting is applicable to this plan.

4. Preliminary Plan

a. Action by Planning Department

An application for a preliminary plan for a planned development must be filed with the Planning Department. Once it is determined that the application is complete, the Planning Department will schedule and review by City departments prior to scheduling the application for consideration by the Planning Commission.

b. Action by Planning Commission

- i. Upon receipt of a complete application, the Planning Commission will consider the preliminary plan at a public hearing.
- ii. The Planning Commission will review the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Planning Commission may recommend either approval, approval with conditions, or denial of the preliminary plan, table the preliminary plan, or defer the preliminary plan.
- iii. Following the close of the public hearing at which the Planning Commission makes a recommendation, the Planning Commission will forward its recommendation to the Board of Mayor and Aldermen.

c. Action by Board of Mayor and Aldermen

The Board of Mayor and Aldermen will review the preliminary plan upon receipt of the Planning Commission recommendation, and may approve, approve with conditions, deny, table, or defer the preliminary plan. If the Planning Commission has recommended denial, the Board of Mayor and Aldermen must approve with a favorable two-thirds vote.

d. Conditions

The Planning Commission may recommend, and the Board of Mayor and Aldermen may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.

e. Approval Standards

The recommendation of the Planning Commission and decision of the Board of Mayor and Aldermen must make a finding that the following standards for a planned development have generally been met.

- i. The consistency of the proposed planned development with the Comprehensive Plan and any adopted land use policies.
- ii. The proposed planned development meets the purpose of a planned development.
- iii. The proposed planned development will not be injurious to the use and enjoyment of other property in the vicinity.
- iv. The proposed planned development will not impede the normal and orderly development and improvement of surrounding property.
- v. There is provision for adequate utilities and road infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
- vi. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
- vii. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

f. Expiration (see also Table 13-2) (Ord. 19-09, 4/15/19)

- i. The preliminary plan approval expires if a complete application for final plan has not been filed and approved, permits for site preparation received and site preparation commenced, within three (3) years after the date the Board of Mayor and Aldermen grants preliminary plan approval.
- ii. An extension of the total vesting period may be requested by the property owner following commencement of site preparation within the initial three (3) year vesting period and qualifying for the two year extension, subject to approval by the Board of Mayor and Aldermen for good cause shown. The applicant must request the extension in writing prior to the expiration date of the approval. A public hearing notice for an extension of time of a preliminary plan is not required

5. Final Plan

Following the approval of the preliminary plan, an application for a final plan for a planned development must be filed with the Planning Director.

a. Action by Planning Director

The Planning Director will review the final plan upon receipt of the complete final plan application and take the following action:

- i. If the final plan is in substantial compliance with the approved preliminary plan, the Planning Director will recommend approval of the final plan to the Planning Commission. The Planning Department will certify to the Planning Commission that the final plan is in substantial conformance with the previously filed preliminary plan.
- ii. If the final plan is not in substantial conformance with the approved preliminary plan, the Planning Director must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the Planning Department with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the approved preliminary plan as determined by the Planning Director, the applicant may appeal the determination of the Planning Director to the Planning Commission to make a determination on whether the final plan complies with the approved preliminary plan.

b. Action by Planning Commission

Upon receipt of the Planning Director recommendation, the Planning Commission must review the final plan. The Planning Commission must approve or deny the final plan. If denied, the applicant may reapply by submitting a new final plan and the validity of the preliminary plan remains in effect.

c. Effect of Approval

After final plan approval, the final plan will constitute the development regulations applicable to the subject property. The planned development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to the property. Violation of any condition is a violation of this Code and constitutes grounds for revocation of all approvals granted for the planned development.

d. Expiration (see also Table 13-2) (*Ord. 19-09, 4/15/19*)

- i. Development plan approval expires if the applicant does not obtain and maintain all permits necessary for site preparation, nor commence site preparation within three (3) years from the date of final plan approval. As part of the Planning Commission approval of the final plan, the Planning Commission may extend this period of time including approval of a phasing plan where the validity period is longer than the three (3) years for the PD.
- ii. All required actions to retain vesting shall be per Table 13-2.
- iii. If the planned development is to be developed in phases, the applicant need only file a final plan for the first phase of development within three (3) years, as indicated in the development schedule. The final plan for the remaining phases must be filed in accordance with the development and construction schedule. Phased development vesting of up to fifteen (15) years is available, if required actions, as noted in Table 13-2, are achieved and maintained.

F. PD Application Requirements

Table 13-3: PD Submittal Requirements contains submittal requirements for planned developments. Plans and plats must be drawn in a legible manner, at a scale suitable to the size of the lot being developed or subdivided. All plans must be drawn at a standard engineering scale, and submitted in paper and digital form, as listed on the application. The information must be submitted to the Planning Department for review, unless waived by the Planning Director, Planning Commission, and/or Board of Mayor and Aldermen. The Planning Director, Planning Commission, and/or Board of Mayor and Aldermen may request additional information including but not limited to a traffic study to provide evidence that the circulation system is adequate.

Table 13-3: PD Submittal Requirements		
Submittals	Planned Development	
	Preliminary Plan	Final Plan
General Information		
Name, address, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project	•	•
Name, address, phone numbers of owner(s), developer(s), and representatives	•	•
North arrow, scale, date of preparation, zoning classification, map/parcel numbers, total acreage, and proposed use	•	•
Title block located in the lower right hand corner indicating the name and type of project, scale, firm/individual preparing drawing, date, and revisions	•	•
Legend containing all symbols and lines shown in the drawing	•	•
A vicinity map of the project with a radius of 1.5 miles from the project, any Major Thoroughfare Plan streets, and the 100 year floodplain boundary	•	•
The location of all existing structures on the property	•	•
Site coverage note indicating the percentage of the site that is currently covered by impervious surface	•	•
Title, name, address, stamp, and signature of the design professional(s) licensed to prepare the required plans and plats	•	•
The current date of the Unified Development Code in effect at the time of submittal.	•	•
Buildings & Structures		
Representative samples of elevations for different models or buildings to illustrate the variety and quality to be provided.	•	•
Building Elevations that provide four-sided architecture and external materials (facades and roofing). Provide and label all façade and roofing materials and colors.		•
Show that mechanical equipment is fully screened by parapet walls if roofed or mounted or by landscaping and/or screening walls/fences if ground mounted.		•
Floodplain/Floodways/Wetlands		
Show 100-year floodplain and/or floodway and base flood elevations. Reference the FIRM panel number and effective date.	•	•
Note and delineate wetlands on the property	•	•
Existing and proposed topographic information with source of information noted	•	•
Show stream buffers	•	•
Plans showing the nature, location, dimensions, and elevation of any part of the property within a flood prone area; existing or proposed structures or building sites, fill storage of materials and flood proofing measures; the relationship of the above to the location of the stream channel, floodway, floodway fringe, regulatory flood elevations, and the regulatory flood protection elevation; and specifications for building construction and materials, flood proofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities	•	•
A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by a development in a flood prone area, and high-water information, if required by the Planning Commission	•	•
Tree Protection and Landscaping		
Delineate trees to be retained on-site and the measures to be implemented for their protection	•	•
Depict the limits of soil disturbance to include all areas to be graded both on- and off-site		•
Landscaping proposals for parking lots, streets, greenspace, and required screening or buffer yards, including proposed plant size and species. Show existing and proposed utility lines, and state the method for irrigation.	•	•
Utilities, Existing		
Show, note, and dimension all known existing on- and off-site utilities and easements	•	•
Show invert and rim elevations of all existing sanitary sewer, stormwater drains, and fire hydrants		•
Existing easements must show the name of the easement holder and the purpose of the easement. If an easement is blanket or indeterminate in nature, a note to this effect must be added to the plat/plan		•
Utility Flow and Capacity Analysis for Water and Sewer Services	•	•

Table 13-3: PD Submittal Requirements		
Submittals	Planned Development	
	Preliminary Plan	Final Plan
Utilities, Proposed		
<u>Utility Flow and Capacity Analysis for Water and Sewer Services</u>	•	•
Show all storm sewer structures, sanitary sewer structures, and drainage structures. Provide structure locations and types. Provide pipe types and sizes.	•	•
Stormwater drainage plans and calculations	•	•
Sanitary sewer systems: show manhole locations and provide pipe locations, sizes, and types		•
Show invert elevations and connections of all proposed sanitary sewer, stormwater drains, and fire hydrants		•
Note the occurrence of previous water, sewer, or storm sewer overflow problems on-site or in the proximity of the site	•	•
If a septic system is to be utilized, provide a table of the acreage and percolation rates	•	•
Water systems, on or near the site: provide pipe locations, types, and sizes; note the static pressure and flow of the nearest hydrant; show location of proposed fire hydrants and meters		•
Underground or surface utility transmission lines: locations of all related structures; locations of all lines; a note shall be placed where streets will be placed under existing overhead facilities and the approximate change in grade for the proposed street		•
State the width, location, and purpose of all proposed easements or rights-of-way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project	•	•
Streets/Rights-Of-Way/Easements		
Delineate, label, and dimension from centerline existing street right-of-way (ROW) lines and Major Thoroughfare Plan ROW lines	•	•
Delineate, label, and dimension from centerline any required ROW dedication	•	•
Show the location, widths, grades, and names of existing streets, alleys, paths, and other ROW, whether public or private, within and adjacent to the project	•	•
Where a proposed road intersects an existing public way or ways, the elevation along the centerline of the existing public way within 100 feet of the intersection.	•	•
Show the location, widths, grades, and names of proposed streets, alleys, paths, and other ROW, whether public or private, within and adjacent to the project	•	•
Show approximate radii of all curves, lengths of tangents, and central angles on all public ways		•
Provide a layout of adjoining property in sufficient detail to show the effect of proposed and existing streets (including those in the Major Thoroughfare Plan), adjoining lots, and off-site easements	•	•
Plans and profiles indicating the locations and typical cross-section of public way pavements, including curbs and gutters, sidewalks, drainage, rights-of-way, manholes, and catch basins	•	•
Location of public way signs, including street extension and speed limit signs		•
The location of all existing and proposed street lights	•	•
Subdivision of Land		
The lot layout, the dimensions of each lot, number of lots, and total area in square footage or acreage to the nearest one-hundredth acre of each lot	•	•
Show the approximate finish grade where pads are proposed for building sites	•	•
Number lots consecutively	•	•
For phased developments, identify all phase lines and the phase sequence	•	•
Site Information		
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	•	•
Show the location of known existing or proposed ground leases or access agreements (shared parking lots, drives, etcetera)	•	•
The location of any potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas, and any means of mitigating hazards	•	•
For residential development, indicate the use and list in a table the number of dwelling units	•	•
For non-residential development, indicate the gross floor area, all proposed uses, and the floor area devoted to each type of use	•	•

Table 13-3: PD Submittal Requirements		
Submittals	Planned Development	
	Preliminary Plan	Final Plan
Show location and size of existing or proposed signs, if any	•	•
Show general location and size of parking, loading areas, and traffic flow	•	
Show location, size, and construction details of parking and loading areas.		•
Show the location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow. Include a table showing the required, provided, and handicapped accessible parking spaces	•	•
Show location and width of curb cuts and driveways. Dimension driveways and curb cuts from side property lines and surrounding intersections	•	•
Show location and dimensions of buffer strips, fences, or walls, if required	•	•
Indicate location of and access to solid waste service	•	•
Provide a description of commonly held areas, if applicable	•	•
Show building setbacks. Provide a note of the current setback requirements for the property/project	•	•
Show location of adjacent parks, cemeteries, structures, development, and historically significant properties	•	•
Show location and dimensions of all property proposed to be set aside for park, playground, or other public/private use, with designation of the purpose and conditions of use	•	•
Show contours at vertical intervals of not more than two feet	•	•
Preliminary grading and drainage plans and reports as required by the City Engineer	•	
Any other data or reports as deemed necessary for project review by the Planning Director, Planning Commission, or Board of Mayor and Aldermen	•	•
All required signature blocks	•	•

(Ord. 19-09, 4/15/19)

G. Conservation Design

Planned developments in the R-A District are required to be conservation designs in compliance with these requirements. PD in other residential districts are also allowed to use the conservation design technique at the developer's option.

1. General Requirements

Conservation design is intended to guide development so that it locates and coordinates areas for development where the conservation of natural features is prioritized, and provides common open space areas for passive and/or active recreational use by residents of the development and, where appropriate, the larger community.

- a. A minimum of 20 acres is required for a conservation design planned development.
- b. Lots must be configured to minimize the loss of natural resources, including wetlands, water bodies, woodlands, and historical resources.
- c. The development must preserve scenic natural views, including views from roadways.
- d. If agricultural uses are being maintained within the development, lots must be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.

2. Development Standards

- a. Lots must be arranged in a manner that protects natural resources and agricultural areas.
- b. The permitted residential density for the development as a whole is calculated as follows: first, determine the maximum single-family residential density of the underlying district by dividing the gross acreage by the minimum lot area required for a detached single-family dwelling of the underlying district if other ordinances require a larger lot size when there is no public sewer and/or water available, such lot sizes are used in the calculation.

- c. There are no required lot area or lot width standards for residential development in a conservation design. Other dimensional standards, such as setbacks, height, and coverage, are those of the underlying district unless authorized by the Planning Commission.
- d. Residential dwellings must be clustered according to the following standards.
 - i. Each residential cluster is limited to no more than 25 dwellings.
 - ii. Residential clusters should be located a minimum of 150 feet apart lot line to lot line, separated by greenbelts or other natural features. The greenbelts may include bike paths or hiking trails, no development is permitted within these separation areas.
 - iii. Residential clusters must be located to minimize negative impacts on the natural, scenic, and cultural resources of the site.
 - iv. Residential clusters must be sited to achieve the following goals:
 - (A) Minimize disturbance to natural areas. Clear-cutting is prohibited.
 - (B) Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.
 - (C) Protect scenic views of open land from adjacent roads to the extent practical.
 - v. Whenever possible, open space must connect with existing or potential open space on adjoining parcels and local or regional recreational trails.
 - vi. Whenever possible, fragmentation of woodland areas and other natural ecosystems must be avoided. Contiguous swaths of undisturbed or restored habitat must be preserved to create corridors for the movement of wildlife and natural resources, and to promote biodiversity.
 - vii. Only single-family detached dwellings are permitted in a conservation design.
- e. There must be a perimeter buffer yard around the entire conservation design development of no less than 75 feet. No development is permitted in this perimeter buffer yard, which must remain landscaped with no structures. This perimeter buffer yard may be included in the required percentage of open space if undivided and restricted in perpetuity from future development. Access points to the development are permitted within this perimeter buffer yard.

3. Common Open Space

- a. A minimum of 40% of the land area in a conservation design PD must be maintained as active or passive common open space.
- b. The following active and passive open space uses are counted as common open space for a conservation design:
 - i. Natural water features, wetlands, and conservation areas.
 - ii. Woodlands.
 - iii. Greenways.
 - iv. Detention/retention areas accessible to occupants or the public via nature trails, boardwalks, perimeter walkways, or streets, but only if they are designed as wetlands or natural water features and are landscaped with native vegetation.
 - v. Agricultural uses.
 - vi. A trail system connecting open space areas, including hiking, biking, and equestrian trails.
 - vii. The required total open space area may consist of the following, without limitation:

- (A) Parks and playgrounds.
 - (B) Botanical gardens, greenhouses, and community gardens.
 - (C) Reuse of structures existing on the site prior to development for community purposes (i.e. rehab of an existing barn or silo, etc.).
- c. Management of the common open space must meet the standards of Article 17 for common open space.

H. Modifications to Approved Final Plans

No adjustments may be made to the approved final plan, except upon application to the City in accordance with the following.

1. Administrative Modifications

The Planning Director may approve the following administrative modifications to an approved final plan when it is determined by the Planning Director that such changes are in substantial conformance with the approved final plan. Any changes considered a minor modification, as defined in this section in item 2, cannot be approved as an administrative modification. The Planning Director, at his/her sole discretion, may choose to classify a modification that meets the criteria of this section as a minor modification subject to approval by the Planning Commission. No notice is required for an administrative modification.

- a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation, to be confirmed by the City Engineer.
- b. Changes in building location of no more than ten feet that continue to meet the requirements of this Code and any conditions of the final plan approval.
- c. Changes in the location of open spaces, walkways, vehicle circulation ways, and parking areas not exceeding ten feet and internal to the project that continue to meet the requirements of this Code and any conditions of the final plan approval.
- d. Changes in building design, including building materials, that continue to meet the requirements of this Code and any conditions of the final plan approval.
- e. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Code.
- f. Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform with all landscape requirements of this Code.
- g. Modification of existing signs or the addition of new signs when in conformance with sign regulations.

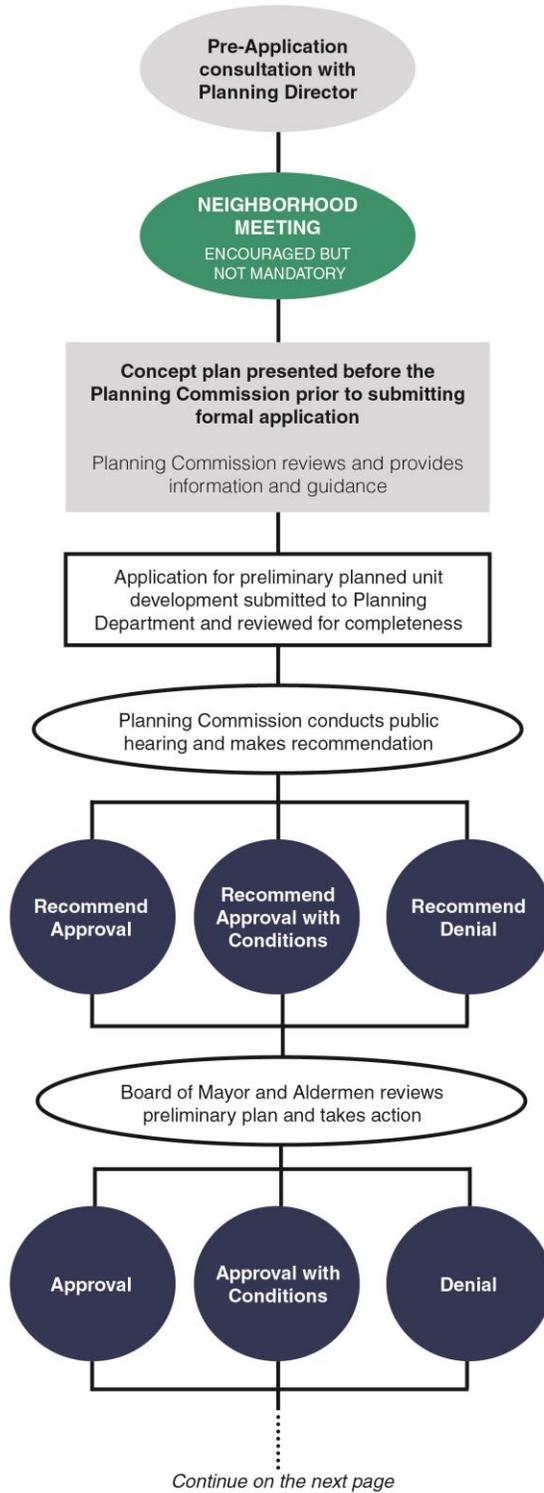
2. Minor Modifications

The Planning Commission may approve the following minor modifications to an approved final plan when it is determined by the Planning Commission that such changes are in general conformance with the approved final plan. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number. Upon review of the proposed modifications, the Planning Commission may determine that the proposed modifications constitute a new planned development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval of this Section.

- a. An increase or decrease in building height of up to 10%.
- b. An increase or decrease in building coverage up to 10%.
- c. A change in the location of walkways, vehicle circulation ways, and parking areas over ten up to 20 feet.
- d. An increase or decrease in the number of parking spaces of up to 10 parking spaces.
- e. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Code.

- f. Altering any final grade by no more than 20% of the originally planned grade.
- g. Any request for an extension of time of the approved final plan.
- h. An increase of up to 10% in water and/or sewer service capacity requirement to serve project.

Planned Development





13.6 SITE PLAN REVIEW**A. Purpose**

The site plan review process is intended to promote orderly development and redevelopment in the City, and to assure that such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with City's adopted land use policies, and promotes the public health, safety, and welfare of the City. This section provides standards by which to determine and control the physical layout and design to achieve compatibility of land uses and structures, efficient use of land, minimization of traffic and safety hazards, and incorporation of stormwater management and sustainable design techniques.

B. Authority

The Planning Commission will conduct site plan review. The Planning Department may convene a technical review committee, comprised of City staff, as the Planning Department deems appropriate to review plans for completeness and compliance with City regulations.

C. Required Site Plan Review

When required, no building permit may be issued until site plan approval has been granted. In addition, all other requirements of all other applicable City codes must be met. Site plan review and approval is required for the following developments:

1. New townhouse, multi-family, all types of non-residential, and mixed-use development construction.
2. Additions to townhouse, multi-family, non-residential, and mixed-use development that increase the gross floor area by 3,000 square feet or more.
3. Parking lots of 10 or more spaces.
4. Drive-through facilities.
5. Changes to vehicle ingress or egress for existing residential subdivisions, townhouse, multi-family, non-residential, and mixed-use development.

D. Procedure**1. Pre-Application Consultation**

- a. Prior to formal submittal of an application, a pre-application conference with the Planning Director is encouraged.
- b. At a pre-application consultation, the applicant must provide information as to the location of the proposed development, the proposed uses, proposed improvements, and any other information necessary to explain the development.
- c. The purpose of the pre-application consultation is to provide advice and assistance to the applicant before preparation of formal site plan, so that the applicant may determine whether the proposed development is in compliance with the provisions of this Code and other applicable regulations, and whether the proposed development aligns with the adopted land use policies of the City.
- d. The pre-application conference does not require formal application, fee, or filing of a site plan review application. Any opinions or advice provided by the Planning Department are in no way binding with respect to any official action that may be taken on the subsequent formal application. No decision will be made on the application.

2. Concept Plan

The applicant may request review of a concept plan before the Planning Commission for the purpose of obtaining information and guidance prior to formal application. (*Ord. 19-09, 4/15/19*)

- a. The concept plan is presented at a public meeting and no notice is required. At minimum, the concept plan must consist of the following:
 - i. A map (or maps) in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed, the

location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site.

ii. A written statement containing a general explanation of the planned development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.

iii. Information sufficient to address the availability and adequacy of utility services/road infrastructure and preliminary locations/designs for stormwater and hydrology, may include, but not limited to, a traffic study and preliminary engineering calculations. To confirm sufficiency of water and sewer systems to serve the subject property if the special use were approved, a Utility Flow and Capacity Analysis for Water and Sewer Services shall be prepared to confirm availability and sufficiency of utilities as well as public infrastructure utility improvements necessary to serve the subject special use.

b. The Planning Commission will review the concept plan, and provide such information and guidance it deems appropriate. Any opinions or advice provided by the Planning Commission is in no way binding with respect to any official action the Planning Commission may take on the subsequent formal application. The review of the concept plan is not a public hearing. No decision will be made on the application. Therefore, no vesting is applicable.

3. Mandatory Neighborhood Meeting (Lots of Ten Acres or More)

New construction of townhouse, multi-family, non-residential, and mixed-use development construction on lots of ten acres or more require a neighborhood meeting. However, a neighborhood meeting is not required if the subject property is surrounded entirely by non-residential districts.

a. The applicant must provide written notice to all property owners within 500 feet of the subject property at least 15 calendar days prior to the scheduled neighborhood meeting. The notice must contain a description of the proposed project, meeting place, time, date, and contact information of the applicant.

b. The notice must be sent through regular mail by the applicant. The applicant must submit the list of attendees and the list of property owners who were sent notice of the neighborhood meeting, as well as an example of the type of notice sent. An affidavit of such notification must accompany the aforementioned list of property owners.

c. The applicant must present and have available the material required for the pre-application consultation (item 1 above) to the public.

d. Following the neighborhood meeting, the applicant must provide to the Planning Director the attendance sheet, and a summary of the comments heard at the meeting with the applicant's response. Such summary must be provided to the Planning Commission as part of the official site plan review.

e. The neighborhood meeting does not require formal application. Any opinions or advice provided by the public or any officials in attendance are in no way binding with respect to any official action that may be taken on the subsequent formal application. No decision will be made on the application.

4. Action by Planning Commission

a. The Planning Department will review the site plan once the application is deemed complete and forward a recommendation to the Planning Commission, which includes a summary of comments and responses from the neighborhood meeting if applicable.

b. Upon receipt of a complete application and Planning Department recommendation, the Planning Commission will consider the site plan at a public meeting.

c. The Planning Commission must evaluate the application pursuant to the approval standards of this section. The Planning Commission must either approve, approve with conditions, or deny the site plan. The Planning Commission may also defer or table the application.

E. Approval Standards

The following will be evaluated in the review of site plans:

1. Conformity with the regulations of this Code, unless a variance has been granted, and any other applicable regulations of the City Code, and the Comprehensive Plan and adopted land use policies.

2. The location, arrangement, size, design, and general site compatibility of all structures, lighting, and signs to ensure:
 - a. Efficient use of land that responds to the existing off-site utilities and service conditions in order to minimize the demand for additional municipal services, utilities, and infrastructure.
 - b. Compatibility with and mitigation of any potential impact upon adjacent property.
 - c. Lighting designed and installed to minimize adverse impact on adjacent properties.
 - d. Location of monument sign(s) and other site signage comply with requirements.
3. Landscape and the arrangement of open space or natural features on the site should:
 - a. Create a desirable and functional open space environment for all site users.
 - b. Preserve unique natural resources, including measures to preserve and protect existing healthy plantings.
 - c. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
 - d. Utilize plant materials suitable to withstand the climatic conditions of the City and microclimate of the site. The use of species native or naturalized to middle Tennessee is encouraged.
 - e. Use of screening to minimize the impact of the development on adjacent uses and mitigate impacts between incompatible uses, creating a logical transition to adjoining lots and developments.
4. Circulation systems and off-street parking designed to:
 - a. Provide adequate and safe access to the site for motor vehicles as well as other modes of transportation, including pedestrians and bicyclists.
 - b. Minimize potentially dangerous traffic movements including off-site improvements to provide safe access to site.
 - c. Minimize curb cuts, including the use of cross-access easements and shared parking.
 - d. Clearly define a network of pedestrian connections in and between parking lots, street sidewalks, open spaces, and structures that is safe, visible, and identifiable.
5. Utility improvements have been provided that adequately serve the site.
 - a. Provide adequate and sufficient public utilities to serve the site including water and sewer service and to identify public utility infrastructure improvements that will be necessary to ensure sufficient water and sewer utility services to serve the site.

F. Site Plan Review Application Requirements

Plans and plats must be drawn in a legible manner, at a scale suitable to the size of the lot being developed or subdivided. All plans must be drawn at a standard engineering scale, and submitted in paper and digital form, as listed on the application. The following information must be submitted to the Planning Department for review, unless waived by the Planning Director or Planning Commission:

Table 13-4: Submittal Requirements	
Submittals	Site Plan
General Information	
Name, address, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project	•
Name, address, phone numbers of owner(s), developer(s), and representatives	•
North arrow, scale, date of preparation, zoning classification, map/parcel numbers, total acreage, and proposed use	•
Title block located in the lower right hand corner indicating the name and type of project, scale, firm/individual preparing drawing, date, and revisions	•

Table 13-4: Submittal Requirements	
Submittals	Site Plan
Legend containing all symbols and lines shown in the drawing	•
A vicinity map of the project with a radius of 1.5 miles from the project, any Major Thoroughfare Plan streets, and the 100 year floodplain boundary	•
The location of all existing structures on the property	•
Site coverage note indicating the percentage of the site that is currently covered by impervious surface	•
Title, name, address, stamp, and signature of the design professional(s) licensed to prepare the required plans and plats	•
The current date of the Unified Development Code in effect at the time of submittal.	•
Buildings & Structures	
Representative samples of elevations for different models or buildings to illustrate the variety and quality to be provided.	•
Building Elevations that provide four-sided architecture and external materials (facades and roofing). Provide and label all façade and roofing materials and colors.	•
Show that mechanical equipment is fully screened by parapet walls if roofed or mounted or by landscaping and/or screening walls/fences if ground mounted.	•
Floodplain/Floodways/Wetlands	
Show 100-year floodplain and/or floodway and base flood elevations. Reference the FIRM panel number and effective date.	•
Note and delineate wetlands on the property	•
Existing and proposed topographic information with source of information noted	•
Show stream buffers	•
Plans showing the nature, location, dimensions, and elevation of any part of the property within a flood prone area; existing or proposed structures or building sites, fill storage of materials and flood proofing measures; the relationship of the above to the location of the stream channel, floodway, floodway fringe, regulatory flood elevations, and the regulatory flood protection elevation; and specifications for building construction and materials, flood proofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities	•
Tree Protection and Landscaping	
Delineate trees to be retained on-site and the measures to be implemented for their protection	•
Depict the limits of soil disturbance to include all areas to be graded both on- and off-site	•
Landscaping proposals for parking lots, streets, greenspace, and required screening or buffer yards, including proposed plant size and species. Show existing and proposed utility lines, and state the method for irrigation.	•
Utilities, Existing	
Utility flow and capacity analysis	•
Show, note, and dimension all known existing on- and off-site utilities and easements	•
Show invert and rim elevations of all existing sanitary sewer, stormwater drains, and fire hydrants	•
<u>Utility Flow and Capacity Analysis for Water and Sewer Services</u>	•
Existing easements shall show the name of the easement holder and the purpose of the easement. If an easement is blanket or indeterminate in nature, a not to this effect shall be added to the plat/plan	•
Streets/Rights-Of-Way/Easements	
A traffic impact study	
Delineate, label, and dimension from centerline existing street right-of-way (ROW) lines and Major Thoroughfare Plan ROW lines	•
Show the location, widths, grades, and names of existing streets, alleys, paths, and other ROW, whether public or private, within and adjacent to the project	•
Provide a layout of adjoining property in sufficient detail to show the effect of proposed and existing streets (including those in the Major Thoroughfare Plan), adjoining lots, and off-site easements	•
Site Information	
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	•
Show the location of known existing or proposed ground leases or access agreements (shared parking lots, drives, etcetera)	•
The location of any potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas, and any means of mitigating hazards	•
For residential development, indicate the use and list in a table the number of dwelling units	•
For non-residential development, indicate the gross floor area and all proposed uses generally	•
Show location and size of existing or proposed monument signs, if any	•
Show general location and size of parking, loading areas, and traffic flow	•

Table 13-4: Submittal Requirements	
Submittals	Site Plan
Show location, size, and construction details of parking and loading areas	•
Show the location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow. Include a table showing the required, provided, and handicapped accessible parking spaces	•
Show location and width of curb cuts and driveways. Dimension driveways and curb cuts from side property lines and surrounding intersections	•
Show location and dimensions of buffer strips, fences, or walls, if required	•
Indicate location of and access to solid waste service	•
Provide a description of commonly held areas, if applicable	•
Show required building setbacks. Provide a note of the current setback requirements for the property/project	•
Show location of adjacent parks, cemeteries, structures, development, and historically significant properties	•
Show location and dimensions of all property proposed to be set aside for park, playground, or other public/private use, with designation of the purpose and conditions of use	•
Any other data or reports as deemed necessary for project review by the Planning Director or Planning Commission	•

(Ord. 19-09, 4/15/19)

G. Modifications to Approved Site Plans

1. An application for a modification to an approved site plan must be submitted to the Planning Department. Modification applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.
2. The Planning Director may approve the following minor modifications to approved site plans:
 - a. Minor changes required during construction, as related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
 - b. Exterior renovations to a building facade.
 - c. The modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Code and any conditions of approval.
 - d. The construction of additional bicycle or parking spaces.
 - e. The addition of any open space.
 - f. A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Code and any conditions of approval.
 - g. Modifications to the approved landscape plan and site features that does not result in a reduction of the total amount of plant material required and remains in conformance with all landscape requirements.
 - h. The modification of existing signs or the addition of new signs when in conformance with the requirements of the Code and any conditions of approval.
3. Any modification not considered a minor modification including, but not limited to, a change in land use or building occupancy classification resulting in a 10% or more increase in water or sanitary sewer service capacity requirements necessary to serve project, must be approved by the Planning Commission in a public meeting. Applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan. No public hearing or notice is required. The Planning Director may also choose to forward any minor modification, regardless if it fits the above criteria, to the Planning Commission for approval; in such case, no additional fees are required.

H. Expiration and Vesting (Ord. 19-09, 4/15/19)

1. The site plan approval expires if the applicant does not obtain and maintain all permits necessary for site preparation, and commence site constructions within three (3) years of site plan approval. The site plan is vested within this Code, as per Table 13-2.

2. All required actions to retain vesting shall be per Table 13-2.
3. If the site plan is to be developed in phases, the applicant need only file a building permit for the first phase of development within three (3) years, as indicated in the development schedule. The building permits and applicable site preparation permits for the remaining phases must be filed in accordance with the development and construction schedule. Phased development vesting of up to fifteen (15) years is available, if required actions, as noted in Table 13-2, are achieved and maintained.

Site Plan Review



13.7 ZONING INTERPRETATION

A. Purpose

The interpretation authority is intended to recognize that the provisions of this Code, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Code.

B. Initiation

The Board of Mayor and Aldermen, the Planning Commission, or a property owner in the City, or person expressly authorized in writing by the property owner, may initiate a zoning interpretation application.

C. Authority

The Planning Director will review and make final decisions on written requests for zoning interpretations.

D. Procedure

1. All applications for interpretations must be filed with the Planning Department.
2. The Planning Director must review a written request for an interpretation and render the interpretation in writing within 30 days of receipt of a complete application.
3. The Planning Director may request additional information prior to rendering an interpretation. Until such additional material is received, the 30 day period is temporarily suspended until such material is received.

E. Appeals

Appeals are in accord with the requirements of Section 13.10.

13.8 SIGN PERMIT

A. Applicability

No sign, except those identified as exempt by this Code, may be erected, constructed, altered, or relocated without first obtaining a sign permit.

B. Authority

The Building Official is responsible for determining compliance with this Code and for issuing a sign permit.

C. Process

Upon the filing of a complete application for a sign permit, the Building Official will examine the plans and specifications for the proposed sign and will issue a sign permit if the plans comply with the requirements of this Code and other applicable City codes and ordinances.

D. Fees

All fees must be paid to receive a permit. No permit will be issued without full payment of required fees. Applicable fees are listed in the City Code.

E. Expiration

If the work authorized under a sign permit is not completed within 180 days of issuance of the permit, unless the Building Official has allowed a longer time period of validity at the issuance of the sign permit, the sign permit expires and becomes null and void.

13.9 TEMPORARY USE PERMIT

A. Purpose

A temporary use permit allows for the short-term use and/or placement of structures on a lot. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the City Code.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application.

C. Authority

The Planning Director will review and make final decisions on temporary use permit applications. However, the temporary use of a manufactured home on a residential lot may only be approved by the Board of Zoning Appeals, in accordance with Section 9.1.C.2.

D. Procedure

1. All applications for temporary use permit must be filed with the Planning Department.
2. The Planning Director must render a decision on the temporary use permit within 30 days of the date of receipt of a complete application. The Planning Director must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

E. Approval Standards

All temporary uses must comply with the requirements of this Code, including the temporary use standards of Article 8, and the following standards:

1. Unless otherwise allowed by this Code, the temporary use or structure complies with the dimensional requirements of the district in which it is located.
2. The temporary use does not adversely impact the public health, safety, and welfare.
3. The temporary use is operated in accordance with any restrictions and conditions as the Police and Fire Department, or other City officials, may require.
4. The temporary use does not conflict with another previously authorized temporary use.
5. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.

F. Expiration

The temporary use permit is valid for the time period granted as part of the approval.

G. Appeals

Appeals are in accord with the requirements of Section 13.10.

13.10 ZONING APPEALS**A. Purpose**

The zoning appeals process is intended to provide appropriate checks and balances on the administrative authority of the Planning Director.

B. Initiation

A property owner in the City that is directly affected by an administrative determination of the Planning Director may file an appeal of the Planning Director's decision on a zoning interpretation, temporary use permit, or other administrative zoning decision related to this Code. This process does not include appeals of any Building Official decisions.

C. Authority

1. The Board of Zoning Appeals will take formal action on zoning appeal applications.
2. Zoning appeals are not applicable to administrative decisions on subdivision regulations of Articles 15, 16, and 17.

D. Procedure

All applications must be filed with the Planning Department. Once it is determined that the application is complete, the Planning Director will schedule the application for consideration by the Board of Zoning Appeals.

1. Upon receipt of a complete application, the Board of Zoning Appeals will consider the appeal at a public hearing.
2. The Board of Zoning Appeals must evaluate the application based upon the evidence presented at the public hearing.
3. Following the close of the public hearing, the Board of Zoning Appeals must either confirm or overturn the Planning Department's decision.

E. Limitations on Zoning Appeals

An administrative decision of the Planning Director may only be appealed if an application is filed within 30 days of the date the decision is made.

ARTICLE 15. SUBDIVISION REGULATIONS – REQUIRED PUBLIC IMPROVEMENTS AND BONDS

- 15.1 APPLICABILITY**
- 15.2 REQUIRED LETTERS AND PUBLIC IMPROVEMENT SPECIFICATIONS**
- 15.3 PUBLIC WAYS AND UTILITIES**
- 15.4 LOT CONFIGURATION**
- 15.5 COMMON OPEN SPACE**
- 15.6 NATURAL LAND CHARACTERISTICS**
- 15.7 STORM WATER MANAGEMENT**
- 15.8 PUBLIC RIGHTS-OF-WAY**
- 15.9 DRAINAGE AND STORMWATER SEWERS**
- 15.10 WATER FACILITIES**
- 15.11 WASTEWATER SEWERS**
- 15.12 UTILITIES AND UTILITY EASEMENTS**
- 15.13 PUBLIC USES**
- 15.14 EASEMENTS GENERALLY**
- 15.15 SUBDIVISION NAME**
- 15.16 MONUMENTS**
- 15.17 IMPROVEMENT COSTS AND PERFORMANCE BONDS**
- 15.18 MAINTENANCE OF IMPROVEMENTS**
- 15.19 INSPECTION OF IMPROVEMENTS**

15.1 APPLICABILITY

Every lot created by subdivision must conform to the zoning district regulations of this Code applicable at the time of application; however, modifications or waivers of any applicable requirements may be made by the Planning Commission only where unique and inherent characteristics of the land proposed for development warrant such deviations. It is the sole responsibility of the property owner to request and justify such waivers to the Planning Commission. Any plat which has received preliminary plat approval is exempt from any subsequent amendments to the zoning regulations of this Code or dimensional subdivision regulations rendering the plat nonconforming as to dimensional or development standards, provided, that final approval is obtained within the effective period of preliminary approval.

15.2 REQUIRED LETTERS AND PUBLIC IMPROVEMENT SPECIFICATIONS

The City will provide language for required letters and bonds, and the detailed specifications for public improvement, which may be revised, changed, and/or added to on an as needed basis. For reference, these include but are not limited to:

- A.** Water letter for subdivisions
- B.** Letter of credit minimum requirements
- C.** Performance and/or maintenance bond
- D.** Roadway construction plan requirements for new development
- E.** Specifications for materials and construction procedures for roadways
- F.** Storm water drainage calculations submittal guidelines and requirements
- G.** Roadway cross-section and standard drawings
- H.** Standard Specifications for Water Addition

15.3 PUBLIC WAYS AND UTILITIES

Pursuant to TCA Section 13-4-306, the Planning Commission cannot, nor may any public authority accept, lay out, open, improve, grade, pave, or light any public way, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public way located within the jurisdictional area unless such way has been accepted, opened, or otherwise received the legal status of a public way prior to the attachment of

Article 15. Subdivision Regulations – Required Public Improvements and Bonds

the Planning Commission's jurisdiction, or unless such way corresponds in its location and lines to a way shown on a subdivision plat approved by the Planning Commission, or on a public way plat made by the Planning Commission. However, the governing body may override the Planning Commission, as provided in TCA Title 13. In case of any state highway constructed or to be constructed within the jurisdictional area with state funds as a part of the state highway system, the submission to the Planning Commission must be by the Tennessee Commissioner of Transportation, who has the power to overrule the disapproval of the Planning Commission.

15.4 LOT CONFIGURATION

- A.** All lots created during subdivision must comply with the minimum lot area and width standards of the applicable zoning district.
- B.** Every lot created by subdivision must front on a street (public or private). However, the Planning Commission has the authority to approve minor subdivisions of commercially zoned property resulting in lots not fronting on private or public streets, but which use easements for access. A maximum of two lots relying on the access easement may result from such subdivision.
- C.** Double frontage and reversed frontage lots must be avoided except where necessary to overcome specific disadvantages of topography and orientation.
- D.** The creation of new flag lots is prohibited.
- E.** Every lot or parcel of land that is subdivided into two or more lots must be so divided that each separate lot contains a relatively straight boundary line between each lot as much as feasible.
- F.** The Planning Commission may require that lots within a development do not derive access exclusively from arterial or collector streets. If access from such streets is necessary for several adjoining lots, the Planning Commission as part of plat approval may require that the lots be served by a combined access drive in order to limit possible traffic hazards. Driveways must be designed and arranged to avoid vehicles having to back out onto arterial or collector streets public ways. Right-of-way design requirements are described in Article 16.
- G.** The Planning Commission may require lots be arranged so that further subdivision and the opening of future public ways can be in place where they would be necessary to serve potential lots, in compliance with the standards of the applicable zoning district and the subdivision requirements.
- H.** Lots must be laid out to provide positive drainage away from all buildings. Individual lot drainage must be coordinated with the overall storm water management for the development. Perimeter lot line drainage swales and/or storm piping may be required where it is necessary to achieve positive and adequate drainage runoff conveyance away from the buildings. Adequate and positive drainage must be provided by the developer and builder during grading and finished grading activities. No cross-lot drainage is allowed.
- I.** Lots should be arranged so that building sites maximize utilization of energy conservation measures, such as providing for solar access purposes.
- J.** Where a lot in any flood prone area must be improved to provide a building site free from flooding, such improvements must be made outside the floodway by elevation or fill to at least two feet above the regulatory flood protection elevation (100-year flood) for a distance extending at least 25 feet beyond the limits of intended structures and, additionally, extending a sufficient distance to include areas for subsurface sewage disposal if the lot is not to be connected to a public sanitary sewer system. Any fill must be protected against erosion by riprap, vegetative cover, or other methods deemed acceptable by the Planning Commission. In non-residential building sites outside a floodway but subject to flooding, the use of the structural flood proofing of these regulations, as an alternative to landfill, may be approved by the Planning Commission.

15.5 COMMON OPEN SPACE

Residential subdivisions require 15% of the total land area be set aside as common open space according to the following standards.

A. The minimum open space required must be owned and maintained as described in this section. The uses within the open space must be accessible to the residents of the development. These uses may also be available to the general public. The required open space must be conveyed to a Homeowners Association (HOA) for use by the HOA in perpetuity and may not be further divided or converted to a buildable lot without approval of a revised plat by the Planning Commission.

B. The following active and passive open space uses are counted as common open space:

1. Natural water features, wetlands, and conservation areas. This includes required buffers from natural resources that are not included as part of a private lot.
2. A trail system connecting open space areas. This includes hiking, biking, and equestrian trails. Where feasible, any trail system must connect and provide access to the proposed bicycle and greenway network, as shown in the Bicycle and Greenway Plan.
3. Recreational facilities containing hardscape or impervious surfaces such as swimming pools, tennis courts, and skateparks.
4. Parks and playgrounds.
5. Greenways. Where feasible, proposed greenways must connect and provide access to the citywide proposed bicycle and greenway network as shown in the Bicycle and Greenway Plan.
6. Botanical gardens, greenhouses, and community gardens.
7. Reuse of structures existing on the site prior to development for community purposes (i.e. rehab of an existing barn or silo for the use of the residents, etc.).
8. Agricultural uses, including vineyards with wineries and stables.
9. On-site stormwater management facilities. No more than 10% of the required total open space area may consist of stormwater management facilities.

C. Yards on individual lots or yards that are reserved for the exclusive use of an individual property owner; dedicated streets, alleys, or other public rights-of-way; and vehicular drives, private streets, and parking, loading and storage areas do not count as common open space.

D. A management plan must be prepared and submitted for all common open space, including any man-made drainage facilities that serve more than one property, such as detention/retention ponds. The designated common open space and common facilities must be owned and maintained by one or a combination of the following and the management plan must meet the standards for each type:

1. Homeowners Association/Property Owners Association

- a.** The developer must provide the City with a description of the association, proof of incorporation of the association, a copy of its bylaws, and satisfactory proof of adoption thereof, a copy of the declaration of covenants, easements, or restrictions or similar document(s) regulating the use of the property and setting forth methods for maintaining the open space.
- b.** The association must be organized by the developer and operated with financial subsidization from the developer before the sale of any lots within the development.
- c.** Membership in the association is mandatory for all homeowners and tenants therein and their successors. The conditions and timing of transferring control of the association from developer to the homeowners or tenants must be identified.
- d.** The association is responsible for maintenance and insurance on open space owned by the association,

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enforceable by liens placed by the homeowners or property owners association. Maintenance obligations also may be enforced by the City, which may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.

e. The members of the association must share equitably the costs of maintaining open space owned by the association. Shares must be defined within the association bylaws or declaration. Association dues must be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any facilities and must be reserved for such purposes.

f. The association must have or hire adequate staff to administer common facilities and to properly and continually maintain the open space.

g. The homeowners or property owner's association may lease open space lands to any other qualified person or corporation for operation and maintenance of such lands, but such a lease agreement must provide:

i. That the residents of the development will at all times have access to the open space lands contained therein (except that access to land that is actively farmed).

ii. That the open space lands to be leased must be maintained.

iii. That the operation of open space facilities may be for the benefit of the residents only or may be open to the public, at the election of the developer and/or homeowners' association, as the case may be.

h. A homeowners or property owners association must provide documentation approved by the City demonstrating compliance with these provisions must be recorded with the final subdivision, and proof of recording thereof must be provided to the City prior to the issuance of any building permits for the property. The applicant must provide draft homeowners or property owners association documentation with sufficient detail to demonstrate compliance with this section.

2. Condominium Association

To the degree applicable, condominium documents must comply with the regulations above for homeowners associations. Condominium documents must be recorded with the final plat. At the time of preliminary plat submission, the applicant must provide draft condominium documents with sufficient detail to demonstrate compliance with this section.

3. Private Conservation Organization

With the permission of the City, an owner may transfer either fee-simple title of the open space or easements on the open space to a private, conservation organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

a. The organization is acceptable to City, and is a bona fide conservation organization with perpetual existence.

b. The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.

c. The open space is permanently restricted from future development through a conservation easement and the City is given the ability to enforce these restrictions.

d. A maintenance agreement acceptable to the City is entered into by the developer and the organization.

4. Private Ownership

An individual who will maintain the land for common open space purposes, as provided by a conservation easement. This option may be used only on a very limited basis for unique situations where no other options are feasible, as approved by the Planning Commission.

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5. Assurances Involving the Provision of Common Open Space

The Planning Commission may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided and developed. The following methods of assurance are illustrative of the types of assurances which may be provided and used singly, in combination or in conjunction with other similar methods:

- a. The City may accept a bond, corporate surety, or other acceptable financial guarantee in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in size and character.
- b. The title to the land shown as common open space may be put in escrow, the escrow agreement to provide that the land is to be held in escrow until the Planning Commission has certified to the escrow agent that the planned development has been completed, at which time the common open space is to be conveyed to a public agency or trustees provided in an indenture establishing an association, funded trust, or similar organization. The escrow agreement may provide for the release of common open space by the escrow agent in stages. In such instance, the Planning Commission is to certify the completion of each stage of the planned development to the escrow agent and the escrow agreement must provide that the open space may be conveyed in stages. In this event, the open space which is conveyed is to be of the same proportions to the open space provided on the final development plan as the dwelling units that have been built are to the total number of dwelling units which are allowable by the final development plan.
- c. If any planned development which includes common open space is held by the developer on option, the developer shall assign to the city the right to exercise the option to acquire the common open space.
- d. In general, the construction and provision of all common open spaces and public and recreational facilities which are shown on the final development plan must proceed at no slower rate than the construction of dwelling units. From time to time, the Planning Commission must compare the actual development with the development schedule. If the Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, then the Planning Commission may either cease to approve any additional final plats or instruct the Building Inspector to discontinue issuance of building permits.

6. Dedication of Public Facilities

The Planning Commission and the Board of Mayor and Aldermen may, as a condition of approval and adoption, in accordance with the final development plan, require that suitable areas for streets, public rights-of-way, schools, parks, and other public areas be set aside, improved and/or dedicated for public use

15.6 NATURAL LAND CHARACTERISTICS**A. Areas Unsuitable for Development and Hazardous Conditions**

1. Land that the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that would be harmful to safety, health, and general welfare of residents and/or businesses cannot be subdivided or developed unless adequate methods are implemented by the developer and approved by the Planning Commission, upon recommendation of the Planning Department and/or other governmental representative, if any, to solve the problems created by the unsuitable land conditions. Such land should be set aside for uses, such as open space, which would not create a danger.
2. Each developer may be required to furnish and install fences wherever the Planning Commission determines that a hazardous condition exists. Such fences must be constructed according to standards established by the Planning Commission, as appropriate, and noted on the final plat as to height and required materials. No certificate of occupancy will be issued for any affected lot until such fence improvements have been installed.

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B. Preservation of Natural Features and Amenities

Existing features that would add value to residential development or to the area as a whole, such as trees, watercourses and falls, areas of historic or cultural significance, and similar assets, must be preserved in the design of the subdivision when required by the Planning Commission. No grade change or removal of features are permitted until a preliminary plat has been approved by the Planning Commission.

C. Water Quality Buffer Zone Easements

1. On all preliminary and final plats, where a stream, as defined by Tennessee Department of Environment and Conservation (TDEC), is located on any lot or portion of a lot within a proposed subdivision, the developer must dedicate water quality buffer zone easements of 30 feet on each side for unimpaired streams and 60 feet for impaired streams, as measured from the edge of the top-of-bank, on both sides of the creek. This stream buffer must not encroach onto any platted lots created by subdivision. No structures or improvements, as defined by TDEC, are allowed in this area.
2. The easements must be in accordance with the City's Storm Water Department MS4 Program requirements for floodways, public utilities, and riparian protection within which no use may be made or allowed of the area by the property owner that will cause change or damage to the creek or its banks and within which public authority may repair and restore damage to creeks and their banks.
3. The water quality buffer zones easements are designated so as not to disturb the natural vegetation and tree canopies of the creeks and water courses in order to preserve water quality of runoff and to prevent unwarranted sedimentation and pollutants entering the waters of the state. For the purpose of this section, the natural edge of any creek is determined by the City Engineer or the Storm Water Coordinator.
4. Water quality buffer zone easements must be indicated on all plats.

D. Water Bodies and Watercourses

1. If a subdivision contains a water body, or portion thereof, lot lines must be so drawn as to distribute the entire ownership of the water body among the adjacent lots. No more than 10% of the minimum lot area required by any zoning district may be satisfied by land that is under water.
2. The Planning Commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a governmental responsibility and become the responsibility of a homeowner's association or similar.
3. Where a watercourse separates a buildable area of a lot from the public right-of-way by which it has access, provisions must be made for installation of a culvert or other structure approved by the Planning Commission and no certificate of occupancy will be issued for a structure on such a lot until the installation is completed and approved by the Planning Commission and/or the appropriate governmental representative.

E. Soil Preservation, Grading, Erosion Control, and Seeding

No certificate of occupancy will be issued until final grading has been completed in accordance with the approved construction plan. Unless approved by the City Engineer, topsoil cannot be removed from residential lots or used as spoil, but must be redistributed so as to provide cover on the lots and between any sidewalks and curbs, and must be stabilized by seeding or planting.

F. Karsts

When requested by the Planning Commission, the applicant must submit a geotechnical report that contains a summary of findings from a geotechnical analysis performed on the site along with recommendations to address any identified karst or other geotechnical features existing on the development site. In cases where the report finds evidence that karst features exist, no development is permitted to take place over such karst feature.

G. Disposal of Natural and Construction Waste Materials

No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind may be buried in any land or left or deposited on any lot or public right-of-way. Removal of such waste is required prior to issuance of any certificate of occupancy. No such waste may be left behind or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

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15.7 STORMWATER MANAGEMENT

- A.** Subdivision is subject to Title 18, Storm Water Management Ordinance of the Municipal Code. Per Section 18-404, Land Disturbance Permits, are required prior to the start of construction. Per Title 18, a performance agreement or letter of credit may be required.
- B.** Maintenance of onsite stormwater facilities must execute an inspection and maintenance agreement that operates as a deed restriction binding on the current property owner or the applicable management association, such as a Homeowners or Property Owners Association, or Condominium Association. The maintenance agreement must:
 - 1. Assign responsibility for the maintenance and repair of the stormwater facility and landscaping to the owner or management association.
 - 2. Provide for a periodic inspection.
 - 3. Provide for minimum maintenance and repair needs that include, but are not limited to, removal of silt, litter and other debris, cutting of grass, and vegetation removal, and replacement of landscape vegetation in detention or retention ponds and inlets and drainage pipes and any other storm water appurtenance.
- C.** The City will not be responsible for maintenance of the open ditches, swales, or swales between properties. The City will be responsible for maintenance of physical structures such as, but not limited to, headwalls, catch basins, and piping.

15.8 PUBLIC RIGHTS-OF-WAY

Public rights-of-way must be constructed and designed in accordance with Article 16 of this Code.

15.9 DRAINAGE AND STORMWATER SEWERS

All stormwater drainage systems must be separate and independent from any wastewater sewer.

A. Accessibility to Public Stormwater Sewers

- 1. Where a public storm sewer is accessible, generally within 300 feet, the developer must install connections to stormwater sewer facilities. Stormwater sewer lines must be extended through and to the end of the development as determined by the City Engineer.
- 2. If a connection to a public stormwater sewer will be provided eventually, as verified by the City Engineer, the developer must make arrangement for future stormwater disposal by that public system at the time the plat receives final approval. Provisions for such connection must be incorporated into the performance bond required for the final plat.
- 3. All underground stormwater conveyances will be inspected by the City to ensure proper installation prior to acceptance by the City. All DVD recording, or other electronic format acceptable to the City, and inspection must be performed by the developer for verification by the City. Prior to installation of the binder course of asphalt, under roads built at 1% or less, any run of pipe between structures that has any part of any joint of pipe with over five (5) feet of cover will be verified with a TV inspection and a copy given to the City for review and approval. Video inspections will verify correct joint construction, review for damages, and manufacturers' installation specifications to review that the finished product is acceptable. All installations shall conform to the manufacturer's installation requirements.
- 4. All underground stormwater conveyances that are found to be contaminated with sediment must be cleaned by equipment suitable for the work performed and by the Public Works Director and all material or installation defects must be repaired to the satisfaction of the City at the developer's expense. All final work will be re-verified by pipe camera inspection on DVD recording, or other electronic format acceptable to the City, by the developer.
- 5. If no access to public stormwater sewers are within a reasonable distance, adequate provision must be made for the disposal of stormwater, in compliance with the Storm Water Management Ordinance.
- 6. Storm sewer lines must be extended through and to the end of the development when requested by the City Engineer to service future development.

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7. Public stormwater sewer pipe must be installed in public rights-of-way or public dedicated easements. Pipe or other stormwater structures must be placed in the center of easements and no closer than five feet from the edge of any public right-of-way.
8. Surface swales draining multiple lots cannot flow over sidewalks or curbs. Surface water flow must be intercepted by area drains or headwalls and piped to the nearest underground storm sewer system.

B. Storm Water Drainage Calculations Specifications

All stormwater drainage calculations must be submitted to the City Engineer as part of the plan approval process for site plans, preliminary plats, and planned developments. Calculations must include the following:

1. Surface water drainage calculations for each drainage sub-basin within the development. This must include the 100-year and 25-year maximum discharge in accordance with Title 18 of the Municipal Code. Other information must include runoff coefficients and time of concentration for each drainage sub-basin associated with stormwater inlets or other conveyance systems to channel and or intercept surface water flows.
2. Inlet capacity of stormwater inlets along with any storm water bypass. Inlets capacity calculations must include the clogging factor used by the engineer in the design.
3. Width of surface water spread on streets prior to interception of flows by inlets.
4. Maximum flow capacity for each stretch of stormwater sewer pipe between manholes along with the HGL associated with anticipated flows.
5. Pipe roughness coefficient used for design.
6. Sub-basin characteristics such as max flow, runoff coefficients, time of concentration, peak discharge.
7. Hydrological methods used for surface water calculations must follow the methodologies and practices outlined in the Tennessee Department of Transportation Division Drainage Manual, except where design standards are otherwise described in this article.

C. Dedication of Drainage Easements

1. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, either a stormwater easement or drainage way conforming substantially to the lines of such watercourse, and of appropriate width and construction, must be provided. Where open drainage ways are utilized, they must be designed for a 25-year flood. In addition, the 50-year and 100-year storm events must be evaluated by the developer's engineer to determine if additional capacity is necessary due to the potential of flooding during high intensity storm events.
2. Where topography or other conditions make the inclusion of drainage facilities within a public way impractical, perpetual unobstructed easements are required. Such easements must be 20 feet wide. Easements containing storm sewer, sanitary sewer and or water lines must have a minimum width that is adequate to provide for a ten foot separation between pipelines and allow ten feet from the centerline of the outside pipes to the easement boundary. Easements must be indicated on the preliminary and final plats. Drainage easements must be carried from the public way to a natural watercourse or other drainage facilities.
3. When a new drainage system is to be constructed that will carry water across private land outside the subdivision, appropriate drainage rights and easements must be secured and indicated on the plat.
4. The applicant must preserve an area, parallel to the watercourse, containing a width equal to and not less than two times the water course width (as measured from top-of-bank to top-of-bank). This area will be designated as a water quality buffer zone easement and cannot be disturbed by the proposed development. Details of this requirement are located within the City's Water Quality Buffer Zone Policy.
5. Along watercourses, low-lying lands within any floodway, as determined by the Planning Commission whether or not included in areas for dedication, must be preserved and retained in their natural state as drainage ways.

D. Accommodation of Upstream Drainage Areas

A culvert or other drainage facility must be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary facilities will be sized based on the construction

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specifications and assuming conditions of maximum potential watershed development permitted by any zoning regulations.

E. Effect on Downstream Drainage Areas

The Planning Commission will also study the effect of each subdivision and development of single lots on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for adequate improvement of such drainage facilities in such sum as the Planning Commission determines. No subdivision will be approved unless adequate drainage is provided to an adequate drainage watercourse or facility.

F. Spring or Surface Water On Site

The developer may be required by the Planning Commission to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the subdivision. Such drainage facilities must be located in the public way, where feasible, or in perpetual unobstructed easements of appropriate width, and must be constructed in accordance with the storm water construction specifications.

G. Floodplain Areas

The Planning Commission may prohibit, when it deems it necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, the subdivision of any portion of the property that lies within the floodplain of any stream or drainage course. The regulatory floodway must be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps.

H. Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the Planning Commission may approve such subdivision provided that the applicant fills the affected floodway fringe area of said subdivision so that public right-of-way elevations are at no less than two feet above the regulatory flood elevation and first floor elevations (including basements) at no less than two feet above the regulatory flood elevation. The plat of such subdivision must provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill may be placed and no building nor flood-restrictive structure may be erected or placed in the floodway.

I. Design Standards**1. Detention Volume**

The required detention volume must be that volume necessary, given the hydraulic characteristics of the primary outlet structure, to attenuate the post-development of mass outflow of water from the structure from hour 11 to hour 18 of the 24-hour storm to a level not to exceed the pre-development mass outflow for the same time period for both the 2-year and 5-year 24-hour storms. Detention storage volume must be drained within 72 hours.

2. Maximum Release Rate

The release rate from any detention pond must be for the site for the same storm prior to the proposed development. The peak outflow rate from the 2-year 24-hour storm, 10-year 24-hour storm, and 25-year 24-hour storm cannot exceed that of the site prior to development. Detention facilities must have a primary discharge structure capable of accommodating the 24-hour storms up through the 25-year with an emergency overflow capable of handling at least the 100-year 24-hour post development discharge unless waived by the Planning Commission.

3. Storm Sewer Design Requirement

Design storm frequency for land use/development type for storm systems must be as follows:

- a. Residential 25-year storm
- b. Commercial/Business/Industrial 25-year storm
- c. For drainage swales, lined channels and natural channels, the system must be designed to carry the 100-year storm and have the capacity to convey storm runoff without life hazard or property damage.

4. Existing Water Facilities

- a. Existing streams, lakes, and wetland cannot be modified for use as stormwater detention or retention ponds.

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- b. On-stream impoundments are prohibited.

5. Stream Buffer Requirements

No stormwater management facilities may be located within streamside buffers, nor can they be detrimental to such buffers, unless a plan with appropriate mitigation is authorized by the City Engineer.

6. Stormwater Detention and Surface Infiltration Basins

Stormwater detention and surface infiltration basins must be design as naturalized basins for multiple uses, including stormwater detention, habitat enhancement and passive recreation use. Basins cannot be designed solely for stormwater detention purposes.

- a. Stormwater basins must be designed and incorporated into usable open space, accessible and open to the public.
- b. Water level fluctuations between the normal and high water level cannot exceed 18 inches for the 2-year design event and cannot exceed five feet for the 100-year design event.
- c. If fish are to be supported at least 25% of the permanent pool of water must be a minimum of ten feet in depth.
- d. Detention and outlet structure must be located at opposite ends of the basin to maximize water quality benefits.
- e. For wet detention basins, water entry slopes between one foot above and one foot below cannot exceed ten to one (10:1) to minimize shoreline erosion. Shallow entry angle will improve water quality treatment and increase aquatic habitat.
- f. Drainage area for wet detention ponds is a 15 acre minimum, to ensure hydrologic input sufficient to maintain permanent pool. Ten acres or less may be acceptable, particularly if the groundwater table is intercepted and a water balance indicates that a permanent pool can be sustained.
- g. All basins, trap embankments, swales, perimeter dikes, and permanent slopes steeper or equal to 3:1 shall be stabilized with sod or other approved stabilization measures, within seven (7) calendar days of establishment. Extensions may be approved by the inspector due to weather. All areas disturbed outside of the perimeter sediment control system must be minimized and stabilized immediately. Maintenance must be performed as necessary to ensure continued stabilization. Re-stabilization or over-seeding may be required as determined by the City.

7. Stormwater Inlets

- a. Stormwater Inlets must be John Bouchard 3103 V Curb inlet or 3300-V Curb Inlet or approved equal. Curb types shall match the inlets as specified on the construction drawings.
- b. Clogging factor for design and spacing must be 50%.
- c. Inlets cannot be spaced in the pathway or ADA ramps and must intercept surface water before ADA ramps.
- d. All stormwater inlet boxes must be precast with inlet and outlet pipes grouted inside and outside to make the joint water tight

8. Stormwater Manholes

- a. Manholes must be installed at the end of each line, at all changes in grade, size or alignment at all sewer main intersections and at distances not greater than 400 feet apart for sewers 18 inches in diameter and not greater than 450 feet apart for sewer greater than 18 inches in diameter.
- b. Floor troughs must be furnished for all sewers entering manholes. A larger diameter manhole must be utilized in order to properly construct floor troughs where the incoming sewer inverts are substantially higher than the outgoing sewer invert. At all manholes with a change of direction, a drop from the entrance to the outlet of at least 0.1 feet must be provided to account for head loss through the manhole. Additional drop in

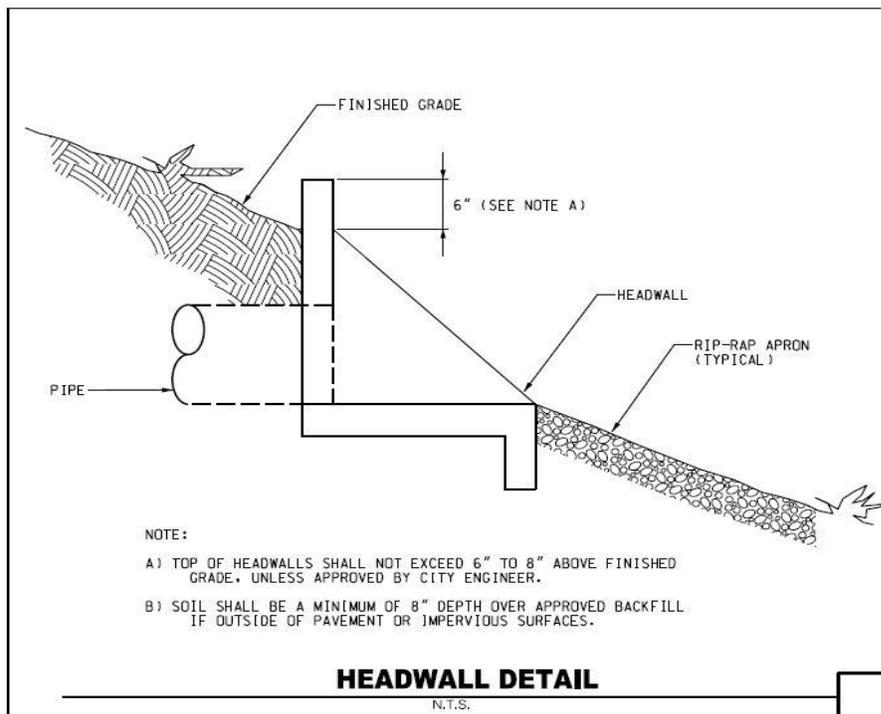
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elevation may be required for sewer mains 12 inches and larger. Inverts must be U-shaped to the pipe crown before sloping at a one to twelve (1:12) slope to the manhole walls.

- c. Four foot diameter manholes can be used for pipes up to 18 inches. Five foot diameter manholes must be used for pipes 21 inches in diameter and larger.
- d. Manhole frame and cover must be John Bouchard 1111 or approved equal.

9. Stormwater Pipe, Manholes, Catch basins, Inlets and Pipe End Walls, and Bedding Aggregate (PC Res. 19-14, 2/11/19)

- a. Reinforced concrete pipe must conform to the minimum standards for Class III, ASTM C76, and must be 18-inch minimum diameter when utilized under roadways and all paved areas whether public or private development. All RCP stormwater pipe and structure joints and connections must be grouted with non-shrink grout and/or otherwise sealed both inside and out. Butylene gasket materials must also be utilized within pre-cast manholes and structures to further seal the joints and connections.
- b. All storm piping connections must be sealed with collar rings as per the manufacturer’s specifications.
- c. Dual wall polypropylene (PP) storm drainage pipe (18” to 60”) is also allowed for use within paved areas (public and private) only if the installation requirements and backfill materials are utilized as recommended by the manufacturer. Dual walled smooth interior PP pipe must be in accordance with AASHTO HB Section 30, T-341, R-16 and MP-21-11 along with ASTM C969, C1103, D2321, D3212, F477, F1417, F2487, F2736, and F2881. Detectable warning tape must be utilized in the trench of the PP pipe when installed.
- d. HDPE pipe is permitted outside of paved areas as long as its installation is in accordance with the manufacturer’s recommendations.
- e. All stormwater piping must have a minimum velocity of three feet per second.
- f. All pipe headwall must be of TDOT Class A Concrete. Poured in place headwalls cannot be less than 12 inches thick for pipes 18 inches through 30 inches. Precast discharge structures must meet the requirements of TDOT standard drawings. The tops of all headwalls shall be installed with no more than 6” of concrete exposed on the inlet side per the attached detail. Should a headwall be near trails or sidewalks, the headwall may be modified to be taller to accept the attachment of handrails.



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- g. Nyloplast (H20) structures is permitted in turf areas.

10. Excavation, Bedding, and Backfill (PC Res. 19-14, 2/11/19)

- a. A minimum cover of two feet is required on all PP pipe. Six inches of pipe bedding of TDOT No. 67 stone is required for all PP pipe.
- b. A minimum cover of two feet to final surface elevation is required for all storm drainage pipe installation whether RCP or PP pipe. Approved backfill soil material, free of any rock material great than two inches or total depth backfill with TDOT No. 67 stone allowed. Approved backfill must be at maximum lifts of eight inches compacted to 98% density or as directed by a geotechnical engineer. Outside of the right of way, the final 8 inches to grade must be top soil unless approved by the City Engineer.
- c. When in the public right of way, no soil back fill shall be utilized unless inspected and tested by a geotechnical engineer and reports provided to the City. If soil backfill is utilized outside of the right of way, a two-year maintenance bond is required instead of the standard one-year maintenance bond to assure no settlement or pipe failures occur.
- d. Pipe bedding for HDPE must be as per manufacturer's requirements. Backfill for HDPE pipe must be free of rocks. Minimum cover above HDPE pipe is two feet.
- e. Drainage and stormwater utility trenches excavated into existing public arterial or collector streets shall be backfilled with flowable fill as directed by the City Engineer. Trench limits shall be saw-cut into the existing pavement the width of which shall be limited to the minimum required to perform the work and accomplish backfilling. The use of flowable fill shall meet the requirements of Section 204 of the TDOT "Standard Specifications for Road and Bridge Construction". Streets, concrete curbs, gutters, driveways, median pavement, and sidewalks shall be restored as required to match existing construction. Base stone and asphalt paving shall be placed over the trench backfill with thicknesses and gradations equal to the existing pavement section. Each course of base stone and asphalt shall be thoroughly compacted with mechanical tampers. All repairs shall include full lane width resurfacing except when utilizing infrared technology as approved by the City Engineer.

11. Roadway Drainage Systems

Drainage structures to be constructed within streets and driveways are to be installed prior to construction of the pavement base. Roadway drainage systems must provide adequate capacity so that the spread of water in the roadway:

- a. Be limited so that not more than one traffic lane is inundated in either direction for arterial roadways.
- b. Leave at least one lane free of water in each direction for collectors.
- c. Be limited so as to maintain a minimum of one lane (eight feet total) free of water for local roads.
- d. All stormwater sewer improvements under roads constructed at 1% slope or less shall be as built surveyed for verification and a letter provided by the engineer before base stone is applied.

12. Culverts

The design flow for culverts is based on the following return frequencies:

- a. 100-year, 24-hour for collector and arterial road crossings.
- b. 25-year, 24-hour for local roads and crossings.

13. Drainage Ditches

- a. Through lot drainage ditches must be built to a grade that will provide positive drainage, and in no case may the slope of the ditch be less than 0.5% slope with a preferred slope of 1%.
- b. Stormwater cannot be directed in such a manner that it flows outside of the designated easements or rights of way during a 25-year rainfall event or less or as approved by the City Engineer.

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- c. If excessive grades or elevations dictate, gutters and downspouts must be directed in a manner to prevent stormwater drainage onto neighboring property at lower elevations.
- d. All drainage ditches must be stabilized to prevent erosion as indicated by the protection shown in the Table 15-1: Erosion Protection.

Table 15-1: Erosion Protection			
Upstream	Seed and Erosion Blanket	Sod	Concrete Lined
18" pipe	Grades less than 3%	Grades 3 to 12%	Grades greater than 12%
21" to 24" pipe	Grades less than 1.5%	Grades 1.5% to 7%	Grades greater than 7%
30" to 36"	Grades less than 1%	Grades 1% to 4%	Grades greater than 4%
42" and greater	Not applicable.	Grade 1% to 2.5%	Grades greater than 2.5%

- e. Ditches that require lining with concrete must be lined to a height above the bottom of the ditch no less than one-half the diameter of the nearest culvert (upstream). However, in no case can the lining extend less than one foot above the bottom of the ditch.
- f. Lined ditches must be constructed of TDOT Class A Concrete or approved alternate.
- g. Ditches that require sodding must be sodded to the top of the slope of the ditch. The sod must consist of a live, dense, well rooted growth of permanent grasses free from Johnson grass and other objectionable grasses, and suitable for the soil in which it is to be placed.
- h. All sod and erosion blankets shall have full contact with soil underneath and installed per manufacturer's specifications.
- i. All swales not requiring sod will be required to use erosion blankets; erosion blankets shall be designed by a Professional Engineer.

15.10 WATER DISTRIBUTION FACILITIES

- A. Necessary action must be taken by the developer to extend a water supply system capable of providing domestic water use and fire protection through the development and providing connection of the system to adjoining properties, as required by the Planning Commission.
- B. Where a public water main is within reasonable access of the subdivision, as determined by the Planning Commission and verified by the City Engineer, the developer must install adequate water facilities that are capable of providing the minimum protection flows (750 GPM @ a minimum residual psi of 30), including fire hydrants, subject to construction and material specifications of the Tennessee Department of Environment and Conservation and Spring Hill's Standard Specifications for Water Additions, and by any other applicable standards and specifications and additional requirements of the Planning Commission.
- C. Water lines must be extended to the property boundaries of the development as to allow future connection of the adjacent property. An end-of-line fire hydrant with a line sized gate valve and reverse thrust blocking must be installed as to allow uninterrupted water service when the future connection is made. If an existing water line, extended to boundary from the adjacent property, is present, then the proposed development must connect to the existing water line.
- D. All water line plans and calculations are required to be first submitted to the Spring Hill's Water Department for review and approval prior to submitting to the Tennessee Department of Environment and Conservation. The City's Water Department representative is required to sign-off on the signature block indicating the City has reviewed and approved the proposed water line additions of the development prior to submittal to the Tennessee Department of Environment and Conservation, whether the additions are proposed as private or public. TDEC stamped approved plans must be submitted to the City's Water Department prior to any installation activities begin for the proposed water additions.
- E. All water systems, whether public or private, located in a flood prone area must be floodproofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection elevation must be

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designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.

F. All water lines must be located outside the pavement and curbing of roadways. Water lines are permitted only within the roadway rights-of-way or within a designated water utility easement. Easements must be a minimum of 20 feet in width unless otherwise required by the City Engineer.

G. Water lines must be designed and constructed to provide a minimum of two water feeds to each development, as to allow uninterrupted water conveyance to the development should one feed connection line experience a break.

H. Water mains must be no less than eight inches in diameter, except for fire hydrant leads. The Planning Commission may make exceptions to this subject to verification by the City Engineer.

I. Fire hydrants are required in all subdivisions. They must be located no more than 1,000 feet apart and be within 500 feet of any part of a building. However, the Planning Commission may require closer spacing where physical conditions or types of structures so warrant. Fire hydrants must remain at the end of water mains in all cul-de-sacs. To eliminate future public way cutting or openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements must be installed before any final paving of a public right-of-way shown on the subdivision plat, unless otherwise approved by the Planning Commission.

J. Individual (separate) water service lines and water meters will be required for each unit in a PUD or cluster type development, regardless of operation and maintenance responsibilities for water lines within the development. Water service lines may be connected together into one service line extending to a water main, if each service line has its own curb stop installed in a street or right of way granted to the city for access, and a curb stop exists on the one service line extending to the main.

K. The City is not responsible for the operation and maintenance of water and sewer mains in a private street, unless such utilities are located within a dedicated public utility easement and the responsibility has been formally accepted by the City and subsequently is recorded as part of the plat.

L. Water pipelines and ancillary materials are subject to the following:

1. The type of water pipe for distribution pipelines is specified within the City of Spring Hill, Standard Specifications for Water Additions.
2. The type of water valves and hydrants is specified within the City of Spring Hill, Standard Specifications for Water Addition.
3. The type of service assemblies, such as corporation cocks, service pipes, meter yokes, and water meters, are specified within the City of Spring Hill, Standard Specifications for Water Addition.

M. All pipelines and ancillary materials must be furnished and installed in accordance with the City of Spring Hill, Standard Specifications for Water Additions.

N. Master water metering: a master meter is required for multi-tenant complexes. These meters must be placed inside public rights-of-way at the City's main point of service. There must also be a secondary point of connection with backflow device for emergency uses only if the primary source fails.

O. Utility trenches excavated into existing public arterial or collector streets shall be backfilled with flowable fill as directed by the City Engineer. Trench limits shall be saw-cut into the existing pavement the width of which shall be limited to the minimum required to perform the work and accomplish backfilling. The use of flowable fill shall meet the requirements of Section 204 of the TDOT "Standard Specifications for Road and Bridge Construction". Streets, concrete curbs, gutters, driveways, median pavement, and sidewalks shall be restored as required to match existing construction. Base stone and asphalt paving shall be placed over the trench backfill with thicknesses and gradations equal to the existing pavement section. Each course of base stone and asphalt shall be thoroughly compacted with mechanical tampers. All repairs shall include full lane width resurfacing except when utilizing infrared technology as approved by the City Engineer. (PC Res. 19-14, 2/11/19)

P. Water Capacity Analysis - In order to determine adequacy and sufficient of existing water utilities to serve a proposed subdivision, a water capacity analysis shall be prepared to evaluate the capacity of existing water utility infrastructure to serve the subject subdivision and identify required public utility infrastructure improvements necessary

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to be constructed in order to adequately and sufficiently serve the subject subdivision if approved. The cost for preparation of the water capacity analysis shall be responsibility of the applicant.

1. The applicant shall furnish the following information model inputs:
 - a. Site elevation and finish floor elevation of all proposed structures including multistory building elevations.
 - b. Water demand for all proposed uses and structures including irrigation and fire flow/pressure requirements.
2. The Water Capacity Analysis model will provide the following:
 - a. Demands expressed in gallons per day, gallons per minute and minimum fire flow requirements.
 - b. Tank elevation at 50% of tank storage.
 - c. Location of primary water source main.
 - d. The results of the analysis will include, but not be limited to, static pressure available at the site and residual pressure with 750gpm fire flow and a determination if the site can meet minimum pressure requirements.

15.11 SANITARY SEWER FACILITIES

All subdivisions require a connection to sanitary sewers. No new subdivisions are permitted connected to individual disposal systems. This does not apply to existing lots in residential subdivisions or lot splits.

A. The applicant must install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation, Spring Hill's Standard Specifications for Sewage Addition, and by any other applicable standards and specifications, including requirements of the Planning Commission. All plans must be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit thereof.

B. Gravity flow must be used with lift stations and force mains only considered when necessary, such as in order to deal with extreme terrain or the protection of significant natural resources. The developer must bear the cost of lift stations.

C. When public sanitary sewers are within reasonable access of the subdivision, as determined by the City Engineer, the developer must provide sanitary sewer facilities to each lot therein and connect the facilities to the public system.

D. All sanitary sewer facilities located in a flood hazard area must be flood-proofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation must be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.

E. Sewer lines must be extended to the property boundaries of the development as to allow future connection of the adjacent property. An end-of-line manhole must be installed as to allow uninterrupted sewer service when the future connection is made. If an existing sewer line, extended to boundary from the adjacent property, is present then the proposed development must connect to the existing sewer line.

F. All sewer line, pump station, and force main plans and calculations are required to be first submitted to the City's Sewer Department for review and approval prior to submitting to the Tennessee Department of Environment and Conservation. The City's Sewer Department representative is required to sign-off on the signature block indicating the City has reviewed and approved the proposed sewage additions of the development prior to submittal to the Tennessee Department of Environment and Conservation, whether the additions are proposed as private or public. TDEC stamped approved plans must be submitted to the City's Sewer Department prior to when any installation activities begin for the proposed water additions.

G. All underground sanitary sewer conveyances must be inspected by the City to ensure proper installation prior to acceptance by the City. DVD or other video recording must be completed by the developer and submitted to the City for verification.

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H. All underground sanitary sewer conveyances that are found to be contaminated with sediment or debris must be cleaned by equipment suitable for the work performed and by the City Engineer or their designee and all material and installation I defects must be repaired to the satisfaction of the Spring Hill Sewer Department at the developer's expense. All final work must be re-verified by pipe camera inspection recorded on DVD or other video recording and inspection must be completed by the developer and submitted to the City for verification.

I. These design criteria are not intended to cover extraordinary situations. Deviations may be allowed in those instances when approved by the City Engineer.

1. Sanitary sewer systems must be designed for the ultimate build out conditions within the proposed development sanitary sewer basin and projected development served within the basin based upon appropriate plans and zoning regulations. Due consideration may be given to any current zoning regulations and approved planning reports, where applicable.

2. Sewer capacities must be adequate to accommodate the anticipated maximum hourly flow of sewage and industrial wastes, together with an adequate allowance for infiltration and other extraneous flow. Design basis for wastewater flow and loadings must be acquired from TDEC Chapter 2, Sewers and Wastewater Pumping Stations.

J. Sewer lines must be located as follows:

1. Sewer lines must be located under the pavement in the center of roadways and, where possible, located outside of areas subject to flooding. Where manholes lie within the natural flow of stormwater within the roadway, an inflow preventer must be installed in the manhole to prevent stormwater inflow.

2. Sewer lines and manholes located within flood prone areas must be watertight and contain watertight manhole castings. Sewer manholes installed by others shall be fitted with water tight manhole inserts provided by the City at their expense.

3. Sewers lines and manholes shall not be located within or inside detention basins.

4. Manhole castings shall be at final topping grade exposing only enough casting to accommodate thickness of final asphalt wearing course. Acceptable materials to adjust manhole castings to fit the grade of the asphalt surface wearing course consists of metal riser ring adjusters or approved equals; brick, grout, or precast adjusters are not allowed. Manhole rim elevation on roads of 1% or less slope shall be surveyed and verified by the engineer and a letter confirming the design sent to the City prior to installation of roadway base stone.

K. Utility trenches excavated into existing public arterial or collector streets shall be backfilled with flowable fill as directed by the City Engineer. Trench limits shall be saw-cut into the existing pavement the width of which shall be limited to the minimum required to perform the work and accomplish backfilling. The use of flowable fill shall meet the requirements of Section 204 of the TDOT "Standard Specifications for Road and Bridge Construction". Streets, concrete curbs, gutters, driveways, median pavement, and sidewalks shall be restored as required to match existing construction. Base stone and asphalt paving shall be placed over the trench backfill with thicknesses and gradations equal to the existing pavement section. Each course of base stone and asphalt shall be thoroughly compacted with mechanical tampers. All repairs shall include full lane width resurfacing except when utilizing infrared technology as approved by the City Engineer. (PC Res. 19-14, 2/11/19)

L. The City will not have responsibility for the operation and maintenance of wastewater sewer mains in private streets located within PD or cluster-type development, unless responsibility is formally accepted by the City and subsequently is established through a maintenance agreement and public utility easement.

M. Sewer pipelines and appurtenances:

1. The type of pipe for sanitary sewers is specified within the City of Spring Hill, Standard Specifications for Sewage Additions.

2. The type of manholes for sanitary sewers is specified within the City of Spring Hill, Standard Specifications for Sewage Additions.

3. The type of pipe for sewage force mains is specified within the City of Spring Hill, Standard Specifications for Sewage Additions.

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N. All pipelines must be furnished and installed in accordance with the City of Spring Hill, Standard Specifications for Sewage Additions.

O. Testing of sewage additions:

1. Wastewater sewers must be air tested when installation of the improvements including service lines and all remaining underground utilities, including water, electric, gas and telephone are installed complete.
2. Wastewater sewer manholes must be air tested after the base course of the roadway is installed.
3. All air testing must be in accordance to the City of Spring Hill, Standard Specifications for Sewage Additions.

P. **Sanitary Sewer Capacity Analysis** - In order to determine adequacy and sufficient of existing sewer utilities to serve a proposed subdivision, a sewer capacity analysis shall be prepared to evaluate the capacity of existing sewer utility infrastructure to serve the subject subdivision and identify required public utility infrastructure improvements necessary to be constructed in order to adequately and sufficiently serve the subject subdivision if approved. The cost for preparation of the sewer capacity analysis shall be the responsibility of the applicant.

1. The developer must prepare a Sanitary Sewer Capacity Analysis to determine average daily flow and maximum daily flow for all commercial and industrial units and residential developments consisting of 20 or more dwelling units. The analysis must provide information on the increased demand from the development on the existing capacity of the City's sanitary sewer system. The analysis must include all collection pipes up to when the sewer system expands to the next available larger diameter pipe downstream. The City will evaluate the findings of the analysis and make a determination as to whether the City's sewer system has the capacity to meet the new demand."

2. The Sanitary Sewer Capacity Analysis must provide at a minimum the following information:

- a. Table of estimated sewage flows (peak and average daily flows) for the development as a whole and for each land use. The table must include the number of dwelling units and commercial units.
- b. The City will provide average daily and maximum daily wastewater flows for residential units. Other design values must be acquired from the Tennessee Department of Environment and Conservation (TDEC).
- c. Depth of sewer flow in the downstream manhole from the proposed connection during the max flow of day normally between the hours of 8:00 to 10:00 am.

Q. Alignment:

1. General Wastewater Sewer Alignment: In general, wastewater sewers must be designed for uniform slope and alignment between manholes, and located in the center of the street pavement whenever possible. All sewers must have a clear minimum distance of ten feet separation between water lines.
2. Energy Gradient Line: The energy gradient line must be maintained whenever a small sewer joins a larger sewer. This must be approximated by placing the 0.8 depth of both sewers at the same elevation (not considering the head loss through the manhole).

R. Manholes:

1. Manholes must be installed at the end of each line, at all changes in grade, size, or alignment at all sewer main intersections and at distances not greater than 350 feet apart for sewers 15 inches in diameter or less and not greater than 400 feet apart for sewer 18 inches in diameter and larger.
2. Lampholes are not acceptable as a substitute for manholes.
3. Drop manholes cannot be used unless the invert elevations between the receiving pipe and the discharging pipe is more than **three two** feet. If the discharging pipe has less than five feet of bury to the top of the pipe at the proposed drop manhole, the pipe must be laid at a uniform grade to the manhole invert and no drop manhole are permitted.

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4. Floor troughs must be furnished for all sewers entering manholes. A larger diameter manhole must be utilized in order to properly construct floor troughs where the incoming sewer inverts are substantially higher than the outgoing sewer invert. At all manholes with a change of direction, a drop from the entrance to the outlet of at least 0.1 feet must be provided to account for head loss through the manhole. More drop may be required for sewer mains 12 inches and larger. Inverts must be U-shaped to the pipe crown before sloping at a one to twelve (1:12) slope to the manhole walls.

5. All manholes located in areas of special flood hazards must be flat top manholes. All manhole ring and covers must be water tight.

6. Four foot diameter manholes can be used for pipes up to 18 inches. Five foot diameter manholes must be used for pipes 21 inches in diameter and larger.

7. All new and existing manholes receiving sewage from force mains must have its interior epoxy lined. Should the existing manhole not be suitable for epoxy lining, the manhole must be replaced and a new epoxy lined manhole installed.

S. Service connections:

1. Service connections to any wastewater sewer must be made only to a wye connection installed at the time of the sewer main installation or by machine tap and approved saddle appropriate to the main line sewer material. All connections to existing public sewer must be made at the 10:00 or 2:00 o'clock position.

2. All sewer connection must be sized in accordance with the Uniform Plumbing Code.

3. Only one residence, structure, or building may be served by each lateral connected to the public or private sewer main, unless otherwise approved of by the City.

4. Commercial and industrial waste must comply with the City's Municipal Code relative to the use of public sewers and the requirements for discharge of certain materials (pretreatment).

5. An inspection manhole or other suitable structure are required on the service line for any use other than normal domestic use.

6. In addition to the above requirements, acceptable grease interceptors are required of all restaurants, food preparations centers, or for any other discharge containing oil and grease.

7. In addition to the above requirements, acceptable sand and oil interceptors must be provided for all car washes and similar facilities, which may discharge sand or dirt into the sewer.

8. Townhouse developments may use a "manifold" sewage collection system for service to individual properties, if a valid Homeowners or Property Owners Association exists among all property owners. The manifold system is restricted to only townhouse developments and must conform to the following requirements:

a. The "manifold" system must be owned and maintained by a viable Homeowners or Property Owners Association. The association is responsible for the manifold to the point of connection to the sewer main.

b. No more than five privately owned units may be placed on any "manifold."

c. The "manifold" must be located at the back side of the front lot utility easement.

d. The common header pipe to the main must be six inches in size and must be provided with cleanouts at the ends and at all bends.

e. The "manifold" must meet all requirements of the local Plumbing Code, as adopted by the City.

f. The City will extend the wastewater sewer service line to the street right-of-way line and cap it off for future connection. The builder is responsible for extending the service from the building to the street right-of-way and install the proper cleanout according to the City's Sewer Specifications. The maximum spacing between sewer cleanouts is 75 lineal feet.

T. Sewage lift stations:

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1. Total dynamic head rating of pumping units is based on pipe friction, pressure losses from piping entrances, exits, appurtenances, (bends, valves, etc.) and static head at the rated flow.
2. Design considerations:
 - a. Where no grit removal is provided ahead of the pumping station, equipment and piping design must minimize the deleterious effects of grit in the sewage.
 - b. Screens or comminutors must be provided ahead of the pumps where the average daily flow is in excess of one million gallons per day (mgd) to prevent solids larger than 2.5 inches from entering the pump.
 - c. Except for grinder pumps, raw sewage pumps must be capable of passing spheres of at least three inches in diameter. Pump suction and discharge piping in all sewage and sludge services must be no smaller than four inches in diameter.
 - d. Intermittently operated pumps must be designed to start no more often than one every ten minutes at the minimum operating interval.
 - e. Pumping stations must be designed to permit removal of all items of equipment including pumps, valves, electrical and control equipment. Equipment located in wet wells must be removable without entering the wet well.
 - f. Piping systems must be designed to withstand the maximum possible surge from the pumping station or adequate surge control provided to protect the piping. Pressure relief valves are not acceptable surge controls.
 - g. Pumps must be selected so that the net positive suction head required at the maximum flow (NPSHR) is less than the NPSH available minus four feet based on the hydraulic conditions and altitude of the lift station.
 - h. The pumping station chambers must resist hydrostatic uplift pressures.
3. Siting requirements:
 - a. Pumping stations must be located so that they are readily accessible to operating and maintenance personnel at all times of day or night, and under all weather conditions. Pumping stations must be located off of traffic ways.
 - b. Pumping stations must be designed so there is no equipment or structural damage in the 100-year floodplain and so that the pumping station's operation is uninterrupted by the 25-year flood.
 - c. The pumping station must be surrounded by a six foot high chain link fence with appropriate gates to access the facility for maintenance. Outdoor security lighting must be provided.
4. The City of Spring Hill only permits suction lift pumping stations. Pumping stations utilizing suction lift pumps must have adequate priming means to prime the pumps quickly and designed for priming the pumps when the water level in the wet well is one foot below the lead pump starting elevation in the suction wet well and for maintaining prime when the wet well level is one foot below the lead pump stopping level. Valving cannot be located in the wet well.
5. Reliability:
 - a. Multiple units: every pumping station must have no less than two pumping units. The number of units and their size must be sufficient to permit pumping the maximum design flow with the largest pumping unit out of service.
 - b. Where the pumping station serves more than 150 residential homes or equivalency, permanently installed or portable engine driven pumps or a separate independent utility source must be provided. Where annual starting is required sufficient storage must be provided to allow notifying the operator and performing whatever it task are necessary to get the pumping station in service.
6. Electrical:

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- a. All electrical equipment including motors, motor starters, and controls must be located so as to be undamaged by the 100-year flood.
 - b. The lift station must be equipped with a SCADA system compatible with the City of Spring Hill.
 - c. All motors must be 3-phase unless waived by the City Engineer.
7. Complete design criteria for the proposed pumping station includes, but is not limited to, the following:
- a. Topographic map with the drainage area clearly defined and the acreage.
 - b. Complete information concerning the proposed area of service, including the number and type of proposed units.
 - c. Complete anticipated flow data based on Tennessee Department of Environment and Conservation design criteria and utilizing a peak factor 2.5.
 - d. Complete details of possible alternate gravity sewers to serve the same area, including cost estimates of both type systems.

U. Sewage force mains:

- a. Sewage force mains must be buried a minimum of 36 inches to the top of the pipe.
- b. Sewage force mains must be four inches in diameter or greater.
- c. Sewage force mains minimum velocity must be 2.5 fps with a maximum permitted velocity of 10 fps.
- d. Air release valves must be provided at the high point in the piping whenever the pipe crown elevation falls below the pipe invert elevation. Access to air release manholes must not be in traffic ways.
- e. Sewage force mains must be ductile iron pipe class 200 or AWWA C 900 PVC pipe.

15.12 UTILITIES AND UTILITY EASEMENTS

- A.** Utility services should be clustered within a single easement when feasible.
- B.** Utilities must be buried/installed underground unless the Planning Commission, subject to verification from the City Engineer and Department of Public Works, deems it infeasible. New residential subdivisions must be designed for underground distribution of electrical service. Non-residential subdivisions must give preference to design and construction of underground distribution of electric service provided existing facilities in the project location and electrical loading requirements allow for a full underground distribution system. Non-residential subdivisions and lots located therein may be served from overhead power distribution systems using underground risers to connect to new underground lines when serving solely by full underground distribution system is impractical due to site considerations.
- C.** On all preliminary and final plats, developers are required to dedicate easements for public utilities. Such easement must be at least ten feet wide along all street rights-of-way and along all rear lot lines, except for across-lot easements, which must be at least 20 feet wide. Such easements are also required along all side lot lines and must be at least five feet wide. The subdivider must take such actions as are necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his/her development. Easements must be indicated on the plats.
- D.** Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project. Developers are required to install a stone base a minimum of 100 feet from an existing roadway along any temporary construction entrance, meeting the City's Storm Water Department's MS4 Program requirements.
- E.** In the case of electric transmission lines where easement widths are not definitively established, a minimum building setback line from the center of the transmission line must be established as follows:

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1. Voltage of Line – 46KV: Building setback of 37.5 feet
2. Voltage of Line – 69KV: Building setback of 50 feet
3. Voltage of Line – 161KV: Building setback of 75 feet

F. Within these easements, the right is also granted to cut down and trim or remove any fences, temporary structures, trees, shrubs, or other plants, without compensation, that interfere with operation of the utilities.

15.13 PUBLIC USES

A. Plat to Provide for Public Uses

1. Whenever a subdivision, or any portion thereof, includes a school, recreation use, a portion of a major public right-of-way, greenway, or other public use, as indicated on the Comprehensive Plan, Major Thoroughfare Plan, Bicycle and Greenway Plan, Parks Master Plan, or any other duly approved City planning document, such tract must be suitably incorporated into the plat when first presented for review by the Planning Commission.
2. After proper determination of its necessity by the Planning Commission and the appropriate representative(s) involved in the acquisition and/or dedication, and use of such site, and after a determination has been made to acquire the site by the public agency, the site must be suitably incorporated into the plat prior to final approval by the Planning Commission and recording of the plat.

B. Referral to the Governmental Agency Concerned

1. The Planning Commission may refer any plat presented in accordance with these subdivision regulations to the agency concerned with acquisition and/or dedication of the land. The Planning Commission may propose alternate areas for such acquisition and must allow the appropriate governmental agency 30 days for reply.
2. Among the areas that the Planning Commission may propose for public acquisition, when the Commission deems it appropriate and consistent with the policies and purposes set forth in these regulations, is any land within a floodway or floodway fringe.
3. The acquiring agency's recommendation, if affirmative, must include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition. Documentation memorializing the recommendation as well as the actions of acquisition and/or dedication whereby the property is being transferred and any terms and conditions is required.

C. Notice to Property Owner

Upon receipt of an affirmative report, the Planning Commission must notify the property to be acquired by any agency. Upon such designation by the Planning Commission, any reserved portion of any floodway or floodway fringe cannot be altered from its natural state by the development in any manner whatsoever, except upon written approval of the Planning Commission.

D. Duration of Land Reservation

The acquisition of land reserved by an agency on the final plat must be initiated within 24 months of notification, in writing, from the owner that he/she intends to develop the land unless the Planning Commission allows or a longer period of time. Such letter of intent must be accompanied by a plat of a proposed development and a tentative schedule of construction. Failure on the part of the governmental agency to initiate acquisition within the prescribed 24 months will result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

15.14 EASEMENTS GENERALLY

Where easements are required by these regulations, the following apply.

A. Easements are reserved for the City for the performance of governmental services, including water, storm, and sanitary sewer service and maintenance, and to those public utility companies that operate under franchises from the City, and their successors and assigns.

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- B. The City and public utility companies have the perpetual right, privilege, and authority to construct, reconstruct, repair, inspect, maintain, and operate the variety of utility transmission and distribution systems within such easement, together with right of access across the property for necessary personnel and equipment to do work.
- C. Within these easements, the right is also granted to cut down and trim or remove any fences, temporary structures, trees, shrubs, or other plants, without compensation, that interfere with operation of the utilities.
- D. No permanent buildings are permitted within the easement, but the easement may be used for gardens, shrubs, landscape, and other purposes that do not interfere with the utility and its maintenance. HVAC equipment on a single-family lot may not be located within a public utility and drainage easement containing a buried pipe or similar physical improvement.
- E. The City may vacate such easements dedicated when the utility companies or other affected governmental units have agreed to the release of the easement. In order to vacate a utility easement, the City Engineer must receive written confirmation from all utility companies and other governmental units that provide infrastructure at that location indicating there is no objection to the vacation. An easement may be vacated by a re-plat of the plat that originally dedicated the easement.

15.15 SUBDIVISION NAME

The proposed name of the subdivision and any rights-of-way cannot duplicate or too closely approximate phonetically the name of any other subdivision or rights-of-way in the City. These names shall be submitted to the County's Emergency Communication Office, which has the authority to designate the name of the subdivision and rights-of-way. These names will be determined at neighborhood concept plan or preliminary plat approval.

15.16 MONUMENTS

The developer must place permanent reference monuments on the subdivision when new streets are to be constructed and as required herein by a licensed surveyor in the State of Tennessee. Monuments must be located and set as described in this section.

- A. All monuments must be placed on property corners or referenced to property lines or road alignments.
- B. The external boundaries of a subdivision must be monumented in accordance with Chapter 0820-03 Standards of Practice, Rules of Tennessee State Board of Examiners for Land Surveyors, except that metal monuments must be no less than five-eighths of an inch in diameter. One permanent control monument, both vertical and horizontal, must be placed within each subdivision where roads are to be constructed. Control monuments must be located within dedicated right-of-way near the entrance of the subdivision and, if possible, in non-fill areas or affixed to a natural rock outcrop and shall comply with the following:
 - 1. Horizontal coordinates must be shown on the final subdivision plat and correlated to the Tennessee State Plane Coordinate System using North American Datum 1983 and North American Vertical Datum 1983.
 - 2. Field ties and reference notes defining magnetic north bearings and distances to the nearest established street line or official benchmark must be accurately described on the final plat.
 - 3. A description must be included on the final plat using words and/or symbols as to allow it to be easily located at the site.
 - 4. Azimuth information provided to either a second monument or a substitute such as an antenna, church steeple, or other natural object of which disturbance is unlikely, must be included on the final plat.
- C. Internal monuments and lot pins are required as follows:
 - 1. One monument for each four lots, or fraction thereof, and placed within sight distance of one another.
 - 2. Lot corners and lot line breaks must be staked with iron surveyor's pins.
 - 3. All internal boundaries and those corners and points, not referred to in the preceding paragraphs, must be monumented in the field by like monuments as described above. Such monuments must be placed at each end of all curves, at a point where a river changed its radius, and at all angle points in any line. All lot corners not falling

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on any of the above described points must be marked by iron surveyor pins at least 18 inches long and 5/8 inch in diameter.

4. The lines of lots that extend to rivers or streams must be monumented in the field by iron surveyor pins at least 18 inches long and 5/8 inch in diameter. Such pins must be placed at the point of intersection of the river or stream and lot line, with a meander line established not less than 20 feet back from the bank of the river or stream.
5. All monuments and pins must be properly set in the ground and approved by a surveyor prior to the time the Planning Commission recommends approval of the final plat or release of the bond where bond is made in lieu of improvements.

15.17 IMPROVEMENT COSTS AND PERFORMANCE BONDS

A. Costs of Improvements

All required improvements must be constructed and/or installed by the applicant at his/her expense. Any provisions for reimbursement by the governing body or any utility agency must be stipulated clearly in the provisions of any bonds.

B. Temporary Improvements

The applicant must build and pay for all costs of temporary improvements required by the Planning Commission, and must maintain such improvements to a reasonable satisfaction for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the applicant must file with the City a separate suitable bond for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed.

C. Performance Bond (*PC Res. 19-14, 2/11/19*)

A performance bond or insurance bond is required in the amount of 110% of the cost of the following required improvements: final asphalt pavement, sidewalks, traffic control devices, street lights, ditches and/or drainage system including detention and retention facilities, and amenities and open space (if required).

1. 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.
2. 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.
3. 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.
4. 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.
5. If the applicant has properly constructed final asphalt pavement, sidewalks, traffic control devices, street lights, ditches and/or drainage system including detention and retention facilities, 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 to be 30% of performance bond. This maintenance bond is required for a minimum of a one year period, prior to the final inspection and release of the bond by the City.

D. Failure to Complete Improvements

1. Where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Planning Commission may thereupon declare the development to be in default. The City requires that all the improvements be installed regardless of the extent of the building development, or build-out, at which time the bond may be called by the City to complete the public improvements

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and open space and amenities (if required). Vacation of the plat may be considered by the Planning Commission if no building has occurred or lots sold.

2. Should the bond(s) and supporting surety not be renewed or extended as approved by the City within 14 days of the expiration date, or if the new documentation is not in accordance with the requirements set forth herein, then the bond will be assumed to be in default and will be "called" in its full amount by the City. Further, building permits may be suspended for remaining lots in the subject subdivision until all required public infrastructure has been completed and accepted by the City.

E. Building Performance Bond

In a phase of a subdivision where public improvements have been fully completed, dedicated, and accepted by the City, but for which undeveloped lots remain, the builder is required to post with the City a continuous non-revocable surety bond in the amount of \$10,000.00 prior to issuance of a building permit. This bond may be posted to provide for two outstanding building permits at any time. This bonding will be used to ensure that damage caused to, but not limited to, the road and drainage system and/or other installed improvements such as curbs, gutters, headwalls, pipes, sidewalks and driveways by a builder are repaired to the satisfaction of the City at the sold cost of said builder. This bond may be released when the last structure intended to be built as part of said building performance bond is completed and a Certificate of Occupancy has been issued by the Building Official.

15.18 MAINTENANCE OF IMPROVEMENTS

A. The applicant must maintain all completed public improvements until they are formally accepted for maintenance by the City.

B. A maintenance bond to guarantee the asphalt binder course, curbs, gutters, stormwater infrastructure systems, and utilities, secured by a letter of credit, certified check, cash account, or insurance bond from an approved financial institution, is required of each applicant for a minimum period of one or three years depending upon the backfill material used, prior to the final inspection, a signed Certificate of Satisfactory Completion approved by the City Engineer, Public Works Department representative, and Utility Inspector and release of the bond by the City. During the final inspection, the City Engineer shall identify all needed repairs for the asphalt binder course, curbs, gutters, stormwater infrastructure systems, and utilities. The maintenance bond will not be released until such repairs are satisfactorily completed as determined by the City Engineer.

C. The maintenance bond must be 30% of the actual construction cost of all public improvements. 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.

D. The maintenance period begins when the roadway is constructed to binder and all other public improvements have been properly constructed by the developer, and a Certificate of Satisfactory Completion has been approved by the City Engineer, Public Works Department representative, and Utility Inspector, and also the Planning Commission formally approves a resolution establishing the maintenance bond.

E. If the developer chooses to install the final asphalt layer/topping prior to 80% build out, then he/she must be required to post the maintenance bond at the time of final asphalt layer installation. The maintenance bond must be continuous until a minimum of one year after the 80% build out has been complete. The release of the maintenance bond must be contingent upon the completion of the above and, in the case of road construction and/or improvements, acceptance of the dedication by the Board of Mayor and Aldermen.

(PC Res. 19-14, 2/11/19)

15.19 INSPECTION OF IMPROVEMENTS

A. A pre-construction conference between the applicant, City Engineer, and any affected department head must be held prior to any work being initiated. The applicant must furnish the required number of full size copies of the approved overall construction plans, TDEC approved sanitary sewer and water main plans, SWPP, and all TDEC issued permits required for the project. This includes the implementation of the erosion control plan. A grading permit is required prior to commencement of any grading work.

B. It is the responsibility of the applicant to properly notify the City Engineer and each affected department of City of Spring Hill to inspect the required improvements, which will eventually become the maintenance responsibility of that

Article 15. Subdivision Regulations – Required Public Improvements and Bonds

department. All required improvements that will not be the responsibility of a specific department of the City will be inspected by the Planning Department staff with assistance, as necessary, from other departments and the City Engineer, or the affected utility vendors. Upon inspection, if any of the required road improvements have not been constructed in accordance with the applicable construction standards and specifications, the applicant is responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company are severally and jointly liable for completing the improvements according to specifications.

C. The City will inspect the required improvements during construction to ensure their satisfactory completion, per City standards. Inspection of improvements by City representatives will not be the basis of the applicant's evaluation of the work performed by his/her contractors. The applicant's design engineer for the development must ensure compliance of the improvements in a certification to City. If the appropriate governmental representative finds upon inspection that any of the required improvements have not been constructed in accordance with the governing body's construction standards and specifications, the applicant is responsible for completing the improvements to the required standards and specifications. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company are liable severally and jointly for completing said improvements according to specifications.

D. Prior to release of the performance bond, the applicant must provide a letter from the design engineer indicating that he/she has inspected the project and attest that it has been constructed, as per the approved design. This letter must be signed and sealed by the design engineer.

E. Incidental improvements and appurtenances not constructed under the performance bond (i.e. driveway pipes and headwalls) must be included in the building performance bond.

F. The performance and maintenance bonds may be reduced or released by authorization of the Planning Commission as recommended by the City Engineer, as follows:

1. Reducing a performance bond to a maintenance bond and releasing maintenance bonds may be considered only upon written request by the developer/owner for a walk-through site inspection. Reducing and releasing bonds may be recommended by the developer to the City Engineer and approved by the Planning Commission and will be based upon satisfactory completion of the work items included in the particular bond under consideration. The final release of any maintenance bonds must be made by the Planning Commission one year after the acceptance of the public improvements. This one year period is a maintenance guarantee for the public improvements.

2. If the developer/owner fails to complete or construct the public improvements as originally planned and as approved by the City Engineer or if there has been unsatisfactory installation of the required improvements, the City will proceed to withdraw funds from the financial institution and use the funds for the purpose of paying for the construction and engineering associated with the completion of the public improvements as originally planned and approved.

3. The City Engineer cannot make a recommendation to reduce a performance bond or release a maintenance bond prior to the satisfactory installation of all required improvements, as determined by the following:

a. One year after the completion of all improvements required for the approved final plat.

b. After the submission of the project engineer's certification that the project installation has been observed in the field and completed in substantial compliance with the plans and specification and with all applicable ordinances and laws.

c. After the submission of a record drawing prepared by the project engineer that shows improvements, and clearly designates any and all changes from the approved plans and specifications.

4. After acceptance of the improvements, the applicant is responsible for the maintenance of all improvements until the release of the maintenance bond. Where a development has been improved in phases, the applicant is responsible for the proper functioning of drainage improvements for the entire development site.

5. In the event the City Engineer denies release or reduction of existing bonds, the developer may apply for an appeal to the Planning Commission. The City Engineer will present a discussion item to the Planning Commission, detailing the developer's request and the City Engineer's findings. The Planning Commission has the authority to approve the request only with a two-thirds majority vote of the full membership.

ARTICLE 17. SUBDIVISION REGULATIONS – APPROVAL PROCESS

- 17.1 PURPOSE AND INTENT
- 17.2 APPLICABILITY AND AUTHORITY
- 17.3 APPLICABILITY OF ADDITIONAL STANDARDS
- 17.4 CLASSIFICATION OF SUBDIVISION TYPES
- 17.5 SUBDIVISION PROCESS STEPS
- 17.6 ADMINISTRATIVE SUBDIVISION PROCEDURE
- 17.7 MAJOR AND MINOR SUBDIVISION PROCEDURE
- 17.8 VESTING OF DEVELOPMENT
- 17.9 SIGNING AND RECORDING OF SUBDIVISION PLAT
- 17.10 ACCEPTANCE OF DEDICATION OFFERS
- 17.11 MINOR REVISION TO APPROVED FINAL PLAT
- 17.12 PROCESS FOR VACATION OF PLATS
- 17.13 ENFORCEMENT AND PENALTIES
- 17.14 DEFINITIONS

17.1 PURPOSE AND INTENT

All subdivisions must conform and relate to the principles and policies of the Comprehensive Plan, Major Thoroughfare Plan, Bicycle and Greenway Plan, Official Zoning Map and all zoning regulations, and the Capital Budget and programs of the City. In accordance with the laws of the State of Tennessee, TCA Sections 13-4-101, et seq. these regulations are adopted for the following purpose:

- A. To protect and provide for the public health, safety, and general welfare of the City.
- B. To guide the future growth and development of the City in accordance with the Comprehensive Plan or any other adopted plan.
- C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the character and the social and economic stability of all parts of the City, and to encourage the orderly and beneficial development to all parts of the City.
- E. To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- G. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land, reduce traffic congestion; and to insure proper legal descriptions and monumentation of subdivided land.
- H. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivisions.
- I. To prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- J. To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.
- K. To encourage subdivision design that maximizes the conservation of all forms of energy.

17.2 APPLICABILITY AND AUTHORITY

A. Applicability

These subdivision regulations apply to any subdivision located within the City of Spring Hill, Tennessee; however, modifications or waivers of any applicable requirements may be made by the Planning Commission only where unique and inherent characteristics of the land proposed for development warrant such deviations. It is the sole responsibility of the property owner to request and justify such waivers to the Planning Commission.

B. Previously Granted Plats

All sketch plat, preliminary plat, and final plats approved prior to the effective date of this Code, or any subsequent amendment to this Code, remain in full force and effect. The recipient of the approval may proceed to develop the property in accordance with the approved plans and all applicable conditions.

C. Authority

1. These subdivision regulations are adopted by the Planning Commission in pursuance of the authority and powers granted by Tennessee Code Annotated (TCA), 13-4-301, et seq. No land can be subdivided within the jurisdictional area until the subdivider submits a plat as required by these regulations, obtains Planning Commission approval of the plat, and files the approved plat with the appropriate County register.

2. Having adopted a Major Thoroughfare Plan for the jurisdictional area, and filed a certified copy of the plan with the County Register of Deeds (hereinafter referred to as "county register"), as required by TCA Section 13-4-302, and having held a public hearing as indicated in these regulations and as required by TCA Section 13-4-303 the Planning Commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations.

3. These regulations may be amended by the Planning Commission as the public health, safety, and general welfare require. A public hearing on any amendments are held by the Planning Commission in a manner provided by TCA 13-4-303. This includes the following sections of this Code:

- a. Article 15. Subdivision Regulations – Required Public Improvements and Bonds
- b. Article 16. Right-of-Way Design and Access Management
- c. Article 17. Subdivision Regulations – Approval Process

D. The Planning Director may designate one or more City staff persons to act as a designee for his/her authority in the subdivision approval processes; however, a decision may only be rendered once.

17.3 APPLICABILITY OF ADDITIONAL STANDARDS

A. Applicability of Other Standards

In addition to the requirements established herein, all subdivision plats must comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to the following. Plat approval may be withheld if a subdivision is not in conformity with the above rules or with the provisions set forth herein.

1. The adopted Comprehensive Plan, Major Thoroughfare Plan, Bicycle and Greenway Plan, and other adopted plans and policies of the City.
2. The zoning ordinance, all applicable codes, and other applicable laws of the City of Spring Hill.
3. All applicable provisions of Maury and Williamson County ordinances and codes.
4. All applicable provisions of Tennessee Law, regulations, or policy.
5. The rules of the County Health Department and the Tennessee Department of Environment and Conservation.
6. The rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, and/or the Maury and Williamson Counties if the subdivision or any lot contained therein abuts a non-local highway.

7. The standards and regulations adopted by all other boards, commissions, and agencies of the Planning Commission, where applicable.

B. Homes of Historical Significance

1. Development near or contiguous to National Register of Historic Sites, as identified in the book of “National Register Properties 1995” with subsequent amendments, and/or as determined by the Board of Mayor and Aldermen and the Planning Commission to have Historical Value to the City, community, or neighborhood, must be developed in accordance with the approval requirements of the Planning Commission.

2. Any site the subject of a subdivision application that is located within 300 feet of a property designated a historically significant site, as designated by the Board of Mayor and Aldermen or on the National Register of Historic Places, must be reviewed and a recommendation made by the Spring Hill Historic Commission prior to the final decision on the application.

C. Conditions on Approval

Regulation of the subdivision of land and the requirement of reasonable conditions determined during approval to land subdivision is an exercise of valid police power delegated by the State to the City. The applicant must comply with any such conditions determined during approval in order to conform to the physical and economic development goals of the City and to preserve the safety and general welfare of the City’s present and future population.

D. Self-Imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by any ordinance or these regulations, such restrictions or reference thereto must be recorded with the County Registrar on the final plat. These restrictions will not be enforced by the City, unless a stricter standard for a public improvement is included on the plat. Only those shown on the plat will be enforced by the City.

17.4 CLASSIFICATION OF SUBDIVISION TYPES

A. Administrative Subdivision

Administrative subdivisions may be approved by the Planning Director as follows:

1. The division of a single lot into no more than two lots, which front on an existing right-of-way, are served by existing utilities, and do not involve the extension of any public utilities, or the dedication of land for public rights-of-way, parks, or other public purposes. Lot divisions may include new easements and this provision authorizes the administrative review of said plats.

2. The consolidation of lots or a change in boundary between adjoining lots.

B. Minor Subdivision

Minor subdivision is the division of a parcel or parcels into a maximum of four lots all of which front on an existing street and do not involve: the extension of any public utilities; the dedication of land for public rights-of-way, parks, or other public purposes; the creation of any public improvements; or the dedication of easements.

C. Major Subdivision

Major subdivision is any subdivision not classified as a minor or administrative subdivision, including, but not limited to:

1. Subdivisions of five or more lots.

2. Any subdivision of any size requiring the creation of any new street, the installation of any public improvements or utilities, the extension of any public utilities; the dedication of land for public rights-of-way, parks, or other public purposes, the creation of any public improvements, or the dedication of easements. A major subdivision that does not include the extension or improvement of any utilities or public facilities and/or roads may proceed straight to final plat (without a preliminary plat). (PC Res. 19-14, 2/11/19)

17.5 SUBDIVISION PROCESS STEPS

A. Subdivision Process Summary

Table 17-1: Subdivision Process describes the required process steps for each of the types of subdivision application.

Table 17-1: Subdivision Process Summary			
SUBMITTALS	Type of Subdivision		
	Administrative Subdivision (Maximum of 2 lots)	Minor Subdivision (2 to 4 Lots)	Major Subdivision (5 or more Lots)
Pre-Application Conference	•	•	•
Neighborhood Concept Plan			^
Preliminary Plat			•
Final Plat	•	•	•

^ For subdivisions containing 25 or more lots.
(PC Res. 19-14, 2/11/19)

B. Determination of Official Submittal Dates

1. For an administrative subdivision, the date the Planning Department certifies that the preliminary plat application is complete is the official submittal date.
2. For a minor or major subdivision, the date of the regular meeting of the Planning Commission at which the preliminary or final approval of the subdivision plat is first considered is the official submittal date.

C. Subdivision Application Requirements

Table 17-2: Subdivision Application Submittal Requirements lists the requirements for subdivision applications. Plans and plats must be drawn in a legible manner, at a scale suitable to the size of the lot being developed or subdivided. All plans must be drawn at a standard engineering scale, and submitted in paper and digital form, as listed on the application. The following information must be submitted to the Planning Department for review, unless waived by the Planning Director and/or Planning Commission:

Table 17-2: Subdivision Application Submittal Requirements			
Submittals	Neighborhood Concept Plan	Preliminary Plat	Final Plat
General Information			
Name, address, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project	•	•	•
Name, address, phone numbers of owner(s), developer(s), and representatives	•	•	•
North arrow, scale, date of preparation, zoning classification, map/parcel numbers, total acreage, and proposed use	•	•	•
Title block located in the lower right hand corner indicating the name and type of project, scale, firm/individual preparing drawing, date, and revisions	•	•	•
Legend containing all symbols and lines shown in the drawing	•	•	•
A purpose statement for subdivision	•	•	•
A vicinity map of the project with a radius of 1.5 miles from the project, any Major Thoroughfare Plan streets, and the 100 year floodplain boundary	•	•	•
The location and type of all existing structures on the property	•	•	•
Site coverage note indicating the percentage of the site that is currently covered by impervious surface		•	•
A concept plan showing the design of the entire site, including lots and rights-of-way	•		
Title, name, address, stamp, and signature of the design professional(s) licensed to prepare the required plans and plats	•	•	•
The current date of the Unified Development Code in effect at the time of submittal	•	•	•
Floodplain/Floodways/Wetlands			
Show 100-year floodplain and/or floodway and base flood elevations. Reference the FIRM panel number and effective date.	•	•	•

Table 17-2: Subdivision Application Submittal Requirements			
Submittals	Neighborhood Concept Plan	Preliminary Plat	Final Plat
Note and delineate wetlands on the property		•	•
Existing and proposed topographic information with source of information noted		•	
Show stream buffers	•	•	•
Plans showing the nature, location, dimensions, and elevation of any part of the property within a flood prone area; existing or proposed structures or building sites, fill storage of materials and flood proofing measures; the relationship of the above to the location of the stream channel, floodway, floodway fringe, regulatory flood elevations, and the regulatory flood protection elevation; and specifications for building construction and materials, flood proofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities	•	•	•
A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by a development in a flood prone area, and high-water information, if required by the Planning Commission		•	
Tree Protection and Landscaping			
Delineate trees to be retained on-site and the measures to be implemented for their protection	•	•	
Depict the limits of soil disturbance to include all areas to be graded both on- and off-site	•	•	
Landscaping proposals for parking lots, streets, greenspace, and required screening or buffer yards, including proposed plant size and species. Show existing and proposed utility lines, and state the method for irrigation.		•	
Utilities, Existing			
Utility flow and capacity analysis for water and sewer services			
Conceptual utility layout, including connection points for water, sewer, location of stormwater detention ponds, and stormwater sewer outfalls	•	•	
Preliminary service demand analysis	•	•	
Show, note, and dimension all known existing on- and off-site utilities and easements		•	•
Show invert and rim elevations of all existing sanitary sewer, stormwater drains, and fire hydrants		•	•
Existing easements shall show the name of the easement holder and the purpose of the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be added to the plat/plan		•	•
Utilities, Proposed			
Utility flow and capacity analysis for water and sewer services.			
Show all storm sewer structures, sanitary sewer structures, and drainage structures. Provide structure locations and types. Provide pipe types and sizes.		•	•
Stormwater drainage plans and calculations		•	
Sanitary sewer systems: show manhole locations and provide pipe locations, sizes, and types		•	•
Show invert elevations and connections of all proposed sanitary sewer, stormwater drains, and fire hydrants		•	•
Note the occurrence of previous water, sewer, or storm sewer overflow problems on-site or in the proximity of the site		•	•
If a septic system is to be utilized, provide a table of the acreage and percolation rates		•	•
Water systems, on or near the site: provide pipe locations, types, and sizes; note the static pressure and flow of the nearest hydrant; show location of proposed fire hydrants and meters		•	
Underground or surface utility transmission lines: locations of all related structures; locations of all lines; a note shall be placed where streets will be placed under existing overhead facilities and the approximate change in grade for the proposed street		•	•

Table 17-2: Subdivision Application Submittal Requirements			
Submittals	Neighborhood Concept Plan	Preliminary Plat	Final Plat
State the width, location, and purpose of all proposed easements or rights-of-way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project		•	•

Table 17-2: Subdivision Application Submittal Requirements			
Submittals	Neighborhood Concept Plan	Preliminary Plat	Final Plat
Streets/Rights-Of-Way/Easements			
Delineate, label, and dimension from centerline existing street right-of-way (ROW) lines and Major Thoroughfare Plan ROW lines		•	•
Delineate, label, and dimension from centerline any required ROW dedication		•	•
Show the location, widths, grades, and names of existing streets, alleys, paths, and other ROW, whether public or private, within and adjacent to the project		•	•
Where a proposed road intersects an existing public way or ways, the elevation along the centerline of the existing public way within one hundred (100) feet of the intersection.		•	
Show the general location and width of existing and proposed streets, alleys, paths, and other ROW, whether public or private within and adjacent to the project	•		
Show the location, widths, grades, and names of proposed streets, alleys, paths, and other ROW, whether public or private, within and adjacent to the project		•	•
Show radii of all curves, lengths of tangents, and central angles on all public ways		•	•
Provide a layout of adjoining property in sufficient detail to show the effect of proposed and existing streets (including those in the Major Thoroughfare Plan), adjoining lots, and off-site easements	•	•	•
Plans and profiles indicating the locations and typical cross-section of public way pavements, including curbs and gutters, sidewalks, drainage, rights-of-way, manholes, and catch basins		•	
Location of public way signs, including street extension and speed limit signs		•	
The location of all existing and proposed street lights		•	
Traffic impact study		•	
Description of how the Bicycle and Greenway Plan has been implemented	•	•	
Subdivision of Land			
The lot layout, the dimensions of each lot, number of lots, and total area in square footage or acreage to the nearest one-hundredth acre of each lot	•	•	•
Show the approximate finish grade where pads are proposed for building sites		•	•
Number lots consecutively	•	•	•
For phased developments, identify all phase lines and the phase sequence	•	•	
Site Information			
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	•	•	•
Show the location of known existing or proposed ground leases or access agreements (shared parking lots, drives, etc.)	•	•	•
The location of any potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas, and any means of mitigating hazards	•	•	•
For residential development, indicate the use and list in a table the number of dwelling units	•	•	•
For non-residential development, indicate the gross floor area, all proposed uses, and the floor area devoted to each type of use	•	•	•
Site amenity plan, if applicable	•	•	
Pedestrian circulation plan	•	•	•
Show location and size of existing or proposed signs, if any		•	•

Table 17-2: Subdivision Application Submittal Requirements			
Submittals	Neighborhood Concept Plan	Preliminary Plat	Final Plat
Show general location and size of parking, loading areas, and traffic flow		•	
Show location, size, and construction details of parking and loading areas.		•	
Show the location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow. Include a table showing the required, provided, and handicapped accessible parking spaces		•	

Table 17-2: Subdivision Application Submittal Requirements			
Submittals	Neighborhood Concept Plan	Preliminary Plat	Final Plat
Show location and width of curb cuts and driveways. Dimension driveways and curb cuts from side property lines and surrounding intersections		•	•
Show location and dimensions of buffer strips, fences, or walls, if required	•	•	•
Indicate location of and access to solid waste service			
Provide a description of commonly held areas, if applicable	•	•	•
Show required building setbacks. Provide a note of the current setback requirements for the property/project	•	•	•
Show location of adjacent parks, cemeteries, structures, development, and historically significant properties	•	•	•
Show location and dimensions of all property proposed to be set aside for park, playground, or other public/private use, with designation of the purpose and conditions of use	•	•	•
Show contours at vertical intervals of not more than two feet		•	
Street names and property addresses as assigned		•	•
Preliminary grading and drainage plans and reports as required by the City Engineer		•	
Any other data or reports as deemed necessary for project review by the Planning Director, City Engineer, Planning Commission, or other approving authority	•	•	•
All required signature blocks		•	•

17.6 ADMINISTRATIVE SUBDIVISION PROCEDURE

- A.** Approval of an administrative subdivision requires only a final plat approval by the Planning Director.
- B.** Prior to formal submittal of an application, the applicant, and/or his/her representative, must meet with the Planning Director, or his/her designee. The purpose of the pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the formal application. At the pre-application conference, the Planning Department will verify that the application is an administrative subdivision. No decision will be made on the application.
- C.** The Planning Director, or his/her designee, will approve, approve with modifications and/or conditions, or deny the final plat.
- D.** When a final plat is approved without conditions, the plat is considered the final plat. When a final plat is approved with conditions, the applicant must revise the plat, incorporating all revisions based on such conditions, and present such revised plat to the Planning Department for approval. Following approval of all revisions, the plat is considered the approved final plat.
- E.** If the Planning Department denies final plat, the applicant may appeal the decision to the Planning Commission within 30 days of the date of the final decision.

17.7 MAJOR AND MINOR SUBDIVISION PROCEDURE

Table 17-1 in Section 17.5 describes which of the following steps in the application process are required for major and minor subdivisions.

A. Pre-Application Conference

Prior to formal submittal of an application, the applicant, and/or his/her representative, must meet with the Planning Director, or his/her designee. The purpose of such pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the formal application. At the pre-application conference, the Planning Department will identify the type of subdivision and the approval process under which the Planning Commission will consider the proposal. No decision will be made on the application.

B. Neighborhood Concept Plan

Before submitting a formal application for a major subdivision of 25 or more lots, the applicant must present a neighborhood concept plan to the Planning Commission for the purpose of obtaining information and guidance prior to formal application. The neighborhood concept plan is optional for all other subdivision types. (The neighborhood concept plan is also known as a sketch plat.)

1. The review of the neighborhood concept plan will focus on the appropriateness of the subdivision from the viewpoint of timing, location, zoning, and overall development of the site. Thorough consideration will be given to the requirements that will have to be met for access, utilities, drainage, and other improvements, reservations, and dedications. The neighborhood concept plan review is intended to establish the direction and basis for the subdivision proposal before substantial amounts of time and money have been invested in a very detailed proposal that may contain elements that do not conform to these regulations.
2. The neighborhood concept plan must be submitted to the Planning Department prior to consideration of the neighborhood concept plan by the Planning Commission. Once the neighborhood concept plan is deemed complete, the Planning Director, or his/her designee, will call a staff review committee to review the neighborhood concept plan. Designated Planning Department staff will prepare comments as to the appropriateness of the subdivision as it relates to access, utilities, drainage, and other improvements, reservations, and dedications. The comments of the review committee will be forwarded to the Planning Commission.
3. The Planning Commission will review the neighborhood concept plan. The Planning Commission will approve, approve with modifications and/or conditions, or deny the neighborhood concept plan.
4. The developer must provide the City staff with two additional copies of the approved neighborhood concept plan with all modifications and conditions of approval from the Planning Commission noted thereon.

C. Preliminary Plat

1. An application for preliminary plat approval must be submitted to the Planning Department prior to consideration of the preliminary plat by the Planning Commission. The Planning Department will determine whether the application is complete and will take no steps to begin review of the application until such time as it is deemed complete. All filing fees are due with the submittal. No preliminary plat will be considered complete without the required fees.
2. Upon receipt of a complete preliminary plat application, the Planning Director, or his/her designee, will call a staff review committee to review the preliminary plat and prepare a recommendation to the Planning Commission regarding approval, approval with changes or conditions, deferral, or denial of the plat. The recommendation of the review committee will be forwarded to the Planning Commission.
3. The Planning Commission will approve, approve with modifications and/or conditions, or deny the preliminary plat.
4. The developer must provide the City staff with two additional copies of the approved preliminary plat with all modifications and conditions of approval from the Planning Commission noted thereon.
5. The applicant must submit a final plat within one year of the approval date of the preliminary plat by the Planning Commission. Upon the end of this time period, the applicant may request the preliminary plat be placed on the Planning Commission agenda for re-approval or an extension of the approval period not to exceed one year.

D. Final Plat

1. After the proposed subdivision has been approved and improvements made in accordance with the approved preliminary plat, or bond adequate in form and amount to assure the completion of the required improvements has been established, the final plat may be prepared and presented to the Planning Commission for final approval.
2. An application for final plat approval must be submitted to Planning Department staff for Planning Commission consideration. The Planning Department will determine whether the application is complete and will take no steps to begin review of the application until such time as it is deemed complete. All filing fees are due with the submittal. No preliminary plat will be considered complete without the required fees.
3. The final plat follows the approval of a preliminary plat. The final plat must conform substantially to the preliminary plat as approved.
4. Submission of a final plat may be done in phases. If desired by the subdivider, when the final plat follows the approval of a preliminary plat, the final plat may constitute only that portion of the approved preliminary plat that he/she proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations and any approved phasing plan.
5. The Planning Commission must hold a hearing as required by TCA Section 13-4-304 on each final plat brought before it. The Planning Commission must approve, approve with modifications and/or conditions, or deny the final plat, which must set forth in detail any conditions to which the approval is subject, or reasons for denial.
6. The failure of the Planning Commission to act upon a plat within the prescribed time is deemed approval of the final plat and, in such event, a certificate of approval, entitling the subdivider to proceed as specified by these regulations. The applicant, however, may agree to a deferral or to an extension of the time for Planning Commission review.
7. After approval has been given, a mylar and/or prints of a suitable size for recording, must be furnished by the developer depending on the requirements of each county of recording. A “.dwg” file based on the Tennessee State Plane Coordinate System must also be submitted in a recordable media format to staff prior to the plats recording.
8. A final plat must be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, open spaces, parks, and easements, in a form approved by legal counsel, as applicable. The subdivision plat must be marked with required notation indicating the formal offers of dedication.
9. A performance bond, if required, must be posted within 60 days of approval of final plat. The plat must be registered within 60 days after the performance bond has been posted if required or, if no performance bond is required, 60 days after approval.
10. Approval of the final plat by the Planning Commission does not constitute the acceptance by the City as well as the dedication of any streets or other public way or ground.
11. If a required performance bond and necessary surety have not been posted within the required time period or final plat has not been recorded with the Register of Deeds within prescribed time period, a re-approval is necessary. A re-approval final plat fee is equal to the original final plat fee and must be paid by applicant prior to consideration.
12. The approval of a non-recorded final plat expires within one year if no further progress is made toward the development. An extension may be granted by the Planning Commission.

E. Subdivision Exceptions

1. The Planning Commission may grant exceptions to the subdivision regulations of Articles 15, 16, and 17, where there are particular difficulties or unnecessary hardships in carrying out said standards and requirements.
2. However, in no case may an exception to any zoning regulation be granted as part of subdivision approval, which includes lot area, lot width, and use. Any exceptions to zoning regulations must be granted as administrative modifications or variances per Article 13 following subdivision approval.

3. In considering requests for exceptions, the Planning Commission may impose additional conditions as deemed necessary to protect the public health, safety, and welfare.

F. Reconsideration Fee

Failure of an applicant to appear before the Planning Commission for an item requiring notice to adjacent property owners or a public hearing will be charged a reconsideration fee, per the Municipal Code, each time the applicant fails to appear. Reconsideration of any other item when no representative was present will require an additional fee equal to the original fee. The Planning Commission may waive these fees if sufficient notice is given so that property owners can be notified or if the applicant could not attend for reasons beyond his/her control.

17.8 VESTING OF DEVELOPMENT

A. In accordance with TCA Section 13-4-310, Table 17-3: Vesting of Developments for Subdivision Applications. Table 17-3 provides for vesting within the City, under state law, for: the types of plans approved, the vested right, and what action triggers the vesting. During the vesting periods listed below, the adopted standards in effect on the date of approval of the required preliminary approval or final development approval where preliminary approval is not required remain the development standards applicable to the property.

B. The applicable vesting periods are listed in Table 17-3: Vesting Timeline.

C. The vesting period outlined in Table 17-3 may be terminated upon the following conditions:

1. When the applicant violates the terms and conditions specified in the approved development plan or building permit. The applicant will receive 90 days from the date of the written notification to resolve the violation, unless provided additional time from the City.
2. Upon a finding by the City that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or approval of a development plan or did not construct the development in accordance with the approved building permit or the approved development plan or an approved amendment for the building permit or the development plan.
3. Upon the written determination by the City of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time.
4. Upon enactment or promulgation of a State or Federal law, regulation, rule, policy, corrective action, or other governance that is required to be enforced by the City and that precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within 90 days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

D. Should the applicant obtain all necessary permits for site preparation and commences site preparation within three years of approval, the vesting period shall be extended an additional two years to commence construction from the date of the expiration of the three year period, for a total of five years. During the period, the applicant must commence construction and maintain any necessary permits to remain vested.

E. Should the applicant commence construction during the five year period, the development standards applicable during the vesting period remain in effect until a final certificate of occupancy is issued; provided, the total vesting period of the project shall not exceed ten years from the date of application approval, during which time the applicant must maintain all necessary permits during this period.

Table 17-3: Vesting of Developments for Subdivision Applications						
Application	Approval	Effective Date	Vesting Period	Total Vesting Period	Required Actions	Phasing
Neighborhood Concept Plan	Planning Commission	3 years from date of approval	3 years	3 years	Receive Preliminary Plat Approval	Not Applicable
Preliminary Plat	Planning Commission	3 years from date of approval	3 years	3 years	Receive Final Plat Approval	Not Applicable
Final Plat (requiring a Preliminary Plat)	Planning Commission	5 years from date of preliminary approval	5 years	10 years (with construction)	Site Preparations; Complete construction; and maintain permits	15 years
Minor Subdivision Major Subdivision (2-4 Lots)	Planning Commission	Date of approval of Final Plat	5 years	10 years (with construction)	Site Preparations; Complete construction; and maintain permits	Not Applicable
Administrative Subdivision	Planning Department	Date of approval of Final Plat	5 years	10 years (with construction)	Site Preparations; Complete construction; and maintain permits	Not Applicable

F. An amendment or revision to an approved plat by the developer must be reviewed per this article, as applicable, and approved by the Planning Commission in order to retain the protections of the vested property right. An amendment or revision may be denied based upon a finding that the amendment or revision does one or more of the following:

1. Alters the proposed use
2. Increases the overall area of the development
3. Alters the size of any nonresidential structures included in the development plan
4. Increases the density of the development
5. Increases any local government expenditure necessary to implement or sustain the proposed use

If an amendment or revision is denied, the applicant may either proceed under the prior approved plan with the associated vested property right or allow the vested property right to terminate and submit a new application.

17.9 SIGNING AND RECORDING OF SUBDIVISION PLAT

A. Signing of Plat

When the conditions of this section are satisfied, the Secretary of the Planning Commission, or the Secretary's designee per the Planning Commission bylaws, will sign the permanent reproducible original of the subdivision plat as the final signature.

1. Bond Required

The Secretary of the Planning Commission will endorse approval on the plat after any required bond has been approved by the Planning Commission and after all the conditions of the resolution pertaining to the plat have been satisfied.

2. Improvements Required

The Secretary of the Planning Commission will endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There must be written evidence that the required public facilities have been installed in a manner satisfactory to the governing body as shown on certifications by the appropriate governmental representative(s) that necessary land dedications and improvements have been accomplished.

B. Recording of Plat

It is the responsibility of the Enforcing Officer to file a plat with the County Register's office within 14 days of the date of signature. Simultaneously, with the filing of the plat, the Enforcing Officer must record the agreement of dedication together with such legal documents as required to be recorded by legal counsel. The applicant or his/her designated representative may record the plat instrument with the understanding that a copy of the recorded instrument must be returned to the City within 2 days. No building permits will be issued until such time as a copy of the recorded plat instrument has been provided to the City. Recording fees are paid by the applicant. The applicant must provide two copies to the Planning Department for their records.

C. Phasing of Major Subdivision Plats

Prior to granting final approval of a major subdivision plat, the Planning Commission may permit the plat to be divided into two or more sections and may impose such conditions upon the filing of each section as it may deem necessary to assure the orderly development of the subdivision. The Planning Commission may approve minor modifications to an approved phasing plan. The following is required of phased plats for bonds and dedication of public ways:

1. Performance Bond Required

The Planning Commission may require that a performance bond be filed in an amount commensurate with the section(s) of the plat to be filed. The Planning Commission may also defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing.

2. Improvements Required

a. The developer may file irrevocable offers to dedicate public ways and improvements in the section offered to be filed.

b. Subject to any conditions placed by the Planning Commission, the developer may defer filing offers of dedication for the remaining sections until such sections are to be granted concurrently with final approval of the plat.

17.10 ACCEPTANCE OF DEDICATION OFFERS

Acceptance of formal offers of dedication of public ways and improvements to the City will be by the Board of Mayor and Aldermen after review by the Planning Commission. Planning Commission approval of a subdivision plat is not deemed to constitute or imply acceptance by the City of any public ways, public improvements, or required amenities shown on the plat.

17.11 MINOR REVISION TO APPROVED FINAL PLAT

A. A minor revision to final plat is defined as an adjustment that will not impact proposed or existing public improvements involving two or fewer building lots.

B. To facilitate minor revisions to final plats that have been previously approved by the Planning Commission, the Planning Department staff has the authority to recommend approval of the revision and to instruct the Secretary of the Planning Commission to sign the plat. A final plat must be recorded with the Register of Deeds within five years of approval or it will be deemed void.

C. The following procedure is required:

1. Before submission of the application and the revised final plat, the applicant must present a sketch of the proposed revisions to the Planning Department staff. The staff will review the revisions and within ten days determine if they are in fact minor revisions.

2. After determination that the revision is a minor revision, the applicant must submit the revised final plat or other appropriate document meeting all specifications contained within these regulations. The plat must use the same format as an original final plat except that it must state that it is a revision and the required certificates may be removed from the final plat, as applicable.

3. The Planning Department staff must have at least ten working days to review and dispose of the application for revised final plat approval. If the staff determines that certain information pertinent to the review is lacking, the staff will notify the applicant in writing within the initial ten day review period of such deficiency and hold the

application in abeyance until the additional information is provided upon receipt of all required information, certificates, and fees, and upon the determination by the staff that the revised final plat meets the regulations in every respect, the Secretary of the Planning Commission may sign said plat on behalf of the Planning Commission and release it for recording.

4. The plat may then be recorded at the Register of Deeds Office. All revised plats approved and released in this manner must then be reported to the Planning Commission at its next regular meeting.

17.12 PROCESS FOR VACATION OF PLATS

A. Any plat or any part of any plat may be vacated by the owner of such, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat must be attached, declaring the same to be vacated. This instrument must be approved by the Planning Commission in like manner as plats of subdivision. The governing body may reject any such instrument that abridges or destroys any public rights in any of its public uses, improvements, or public ways.

B. Such an instrument must be recorded with the Register of Deeds in like manner as plats of subdivision. Being duly recorded must operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in streets, public grounds, and all dedications laid out or described in such plat.

C. When lots have been sold, the plat may be vacated in the manner herein provided by all owners of lots in such plat join in the execution of the instrument of vacation.

17.13 ENFORCEMENT AND PENALTIES

A. It is the duty of the Building Official (hereinafter referred to as “Enforcing Officer”) to enforce these regulations and to bring to the attention of legal counsel any violations or lack of compliance herewith.

B. Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise. These remedies are in addition to the penalties described in herein.

C. No plat or plan of a subdivision located within the area of planning jurisdiction may be filed or recorded by the appropriate Register of Deeds until said plat or plan has received final approval in writing by the Planning Commission as provided in TCA Section 13-4-306.

D. No board, public officer, or authority may light any street, lay or authorize the laying of water mains or sewers, or the construction of the facilities or utilities in any street located within the area of planning jurisdiction unless such streets have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations or unless such street corresponds in its location and lines to a street shown on a subdivision plat approved by the Planning Commission, or on a street plan made and adopted by the Planning Commission as provided in TCA Section 13-4- 307.

E. No building permit may be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of any provision of these regulations.

F. No County Register may receive, file, or record a plat of a subdivision within the planning region without the approval of the Planning Commission as required in TCA Section 13-4-306 and any County Register so doing will be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

G. TCA Section 13-4-306 provides that whoever being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, is deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring is not exempt the transaction from such penalties.

H. The City, through its City attorney or other official designated by the Board of Mayor and Aldermen, may enjoin such transfer or sale or agreement by action or injunction. Any structure erected or to be erected in violation of the

subdivision regulations is deemed an unlawful building or structure, and the City Attorney or other official designated by the Planning Commission may bring action to enjoin such erection or cause it to be vacated or removed as provided in TCA Section 13-4-306.

17.14 DEFINITIONS

The following definitions apply to Articles 15, 16, and 17. The definitions of Article 2 do not apply to these cited articles and in the case of any conflicts these definitions control.

100-Year Flood. A flood having a 1% chance of happening in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

25-Year Flood. A flood having a 4% chance of happening in any year.

Agent. See developer.

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant. See developer.

Architect. An architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to TCA Title 62, Chapter 2 to practice in Tennessee.

Bicycle and Greenway Plan. A plan consistent with the Master Parks and Recreation Plan and City's Major Thoroughfare Plan Update, that guides the implementation of projects that increase bicycle and pedestrian options, while also providing a continuous and safe non-motorized system that ensures easy access to jobs, services, and commerce. The Bicycle and Greenway Plan represents a commitment to design, construct, and maintain a network of safe, convenient, and attractive bicycle and pedestrian facilities for both commuting and recreational use throughout Spring Hill.

Block. A tract of land bounded by public ways or by public parks, cemeteries, railroad rights-of-way, or shorelines or waterways or a combination of such.

Bond. An instrument with a clause, with a sum of money fixed as a penalty, binding the parties to pay the same; conditioned, however, that the payment of the penalty may be avoided by the performance by some one or more of the parties of certain acts.

Construction Plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission.

Contractor. An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County Environmentalist. An agent designated to administer local and/or state health regulations.

Cul-De-Sac. A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement, definition includes dead end, turn-around, or turn-about.

Design Specifications. Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Developer. The owner of land proposed to be subdivided or his/her representative. One who, having an interest in land causes it, directly or indirectly, to be divided into a subdivision. Consent is required from the legal owner of the premises. Articles 15, 16, and 17 may also use the terms "agent," "applicant," or "subdivider," which also mean developer per this definition.

Driveway Easement. A 25 foot wide easement from a public road for ingress and egress to one or more lot(s).

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of their property.

Enforcing Officer. The Building Inspector of the City of Spring Hill, unless another person is designated by the Mayor or City Administrator to be responsible for enforcing the provisions of the subdivision regulations.

Engineer. An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to TCA Title 62, Chapter 2 to practice in Tennessee.

Equal Degree of Encroachment. The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Escrow. A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond subject to agreement of the Planning Commission.

External Subdivision Boundary. All points along the periphery of a subdivision.

Final Plat. The final map or drawing and accompanying materials, as required and described in these regulations, on which the subdivider's plan of the subdivision is presented to the Planning Commission for approval, and which, if approved by the commission, is recorded with the appropriate County Register of Deeds.

Frontage. That side of a lot abutting a public way ordinarily regarded as the front of the lot. It is not considered as the ordinary side of a corner lot.

Governmental Agency. Any public body other than the governing body.

Governing Body. The chief legislative body of any government.

Governmental Representative. An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, utilities, planning, community development, or other public business.

Grade. The slope of a public or private way specified in percentage terms.

Highway, Limited Access. A non-local highway, freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the traffic way, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Internal Subdivision Boundary. All points within a subdivision that do not constitute external boundaries.

Joint Ownership. Joint ownership among persons shall be construed as the same owner for the purpose of imposing subdivision regulations.

Jurisdictional Area. Planning boundary(s) established in keeping with TCA Section 13-4-201.

Land Surveyor. A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to TCA Title 62, Chapter 18 to practice in Tennessee.

Legal Counsel. The person, designated by the governing body to provide legal assistance for the administration of these and other regulations.

Lot. A tract, plot or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or for building development.

Lot Improvement. Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Major Thoroughfare Plan. The plan adopted by the Planning Commission, pursuant to TCA Section 13-4-302 showing, among other things, "the general location, character, and extent of public ways and the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

Monument. A permanent surveying appurtenance that is utilized to verify location and elevation.

Neighborhood Concept Plan. A generalized concept plan of subdivision offering information in regard to proposed subdivision, public improvements, and natural features of the entire property in question prepared prior to preliminary plat.

Off-Site. Any premises not located within the property to be subdivided, whether or not in the ownership of the applicant for the subdivision approval.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Performance Bond. A surety bond, letter of credit, or cash deposit submitted to the City as assurance for performance of construction of the public infrastructure and/or amenities as approved by the Planning Commission. Said performance bond represents a sum of money fixed as a penalty, binding the parties to pay the same conditioned, however, that the payment of the penalty may be avoided by the performance by someone of the parties of said improvements.

Planning Commission. A public planning body established pursuant to TCA Title 13, Chapter 4 to execute a partial or full planning program within authorized area limits.

Pre-Application Conference. A meeting held between applicant and Planning Department staff to discuss requirements of development and plat approval.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Premise(s). A tract of land together with any buildings or structures thereon.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

Public Road Standards. Standards as listed within these regulations to provide adequate right-of-way, roadway width, compacted subgrade, compacted road base stone, bituminous prime coat, asphalt binder, bituminous tack coat, asphalt topping, and concrete curb and gutter or extruded curb, all of which are indicated for each roadway classification.

Public Way. Any publicly owned street, alley, sidewalk, or lane right-of-way that provides for movement of pedestrians or vehicles.

Reach. A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area where flooding or natural obstructions occur. In an urban area, the segment of a stream or river between two consecutive bridge crossings typically would constitute a reach. A reach is also defined as the stream or river length located within a particular drainage basin.

Regulatory Flood. The 100 year flood.

Regulatory Flood Protection Elevation. The elevation of the regulatory flood plus one foot of freeboard to provide a safety factor.

Re-Subdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way. A strip of land occupied or intended to be occupied by a public way, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way," for land platting purposes, means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and is not included within the dimensions or areas of such lots or parcels.

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise or other written instrument.

Same Owners. Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his/her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Slope. The deviation of the land surface from the horizontal per unit horizontal distance changed, generally expressed in percent, i.e. vertical rise or fall per foot dividing the horizontal distance between contour lines into the vertical interval of the contours as required by the appropriate regulations.

Start of Construction. For purposes of subdivision control any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Subdivider. See developer.

Subdivision. The division of a tract or parcel of land into two or more lots, sites and other divisions requiring new street or utility construction, or any division of less than five acres.

Subdivision Agent. Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except in an instance where only legal counsel is provided.

Temporary Improvement. Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

Utility. Any construction of public roads, public water, public drainage, public sanitary facilities or any other improvement that is or will be dedicated to public use.

Utility Flow and Capacity Analysis for Water and Sewer Services. A study or analysis to evaluate the capacity of existing water and sewer utility infrastructure to serve a proposed development and identify required public utility infrastructure improvements necessary to be constructed in order to adequately and sufficiently serve the proposed development if approved. The cost for preparation of the water and sewer capacity analysis shall be responsibility of the applicant.

Water Surface Elevation. The heights in relation to mean-sea-level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain. Also means the level of natural flows or collectors or water which may be expected to be found above or below surface.

Zoning Ordinance. A statute, legally adopted pursuant to TCA Title 13, Chapters 4 or 7 for the purpose of regulating by district, land development or use for a designated area.