

ORDINANCE 15-08

AN ORDINANCE TO AMEND ORDINANCE 86-47, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRING HILL, TENNESSEE BY AMENDING ARTICLES III (DEFINITIONS), IV (GENERAL PROVISIONS), VI (PROVISIONS GOVERNING RESIDENTIAL DISTRICTS), VII (PROVISIONS GOVERNING BUSINESS DISTRICTS), VIII (PROVISIONS GOVERNING INDUSTRIAL DISTRICTS), X (PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT DISTRICTS), AND XII (ENFORCEMENT) AND BY CREATING ARTICLE XVII (APPEALS)

BE IT ORDAINED BY THE CITY OF SPRING HILL:

WHEREAS, the Board of Mayor and Aldermen for the City of Spring Hill may, pursuant to its charter and the general laws of the State of Tennessee, have right to enact an amend the Spring Hill Zoning Ordinance 86-47. Said amendments being within the adopted Comprehensive Plan purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the Spring Hill Zoning Ordinance does not clearly outline the zoning and development review process required of private property; and

WHEREAS, the Spring Hill Municipal Planning Commission intends to promote efficiency, clarity, and a fair and equitable process in its zoning regulations; and

WHEREAS, the Spring Hill Zoning Ordinance is in conflict with the Tennessee Vested Property Rights Act of 2014; and

WHEREAS, the Spring Hill Municipal Planning Commission has recommended to the Board of Mayor and Aldermen on the 9th of February 2015 to amend Zoning Ordinance 86-47 of the City of Spring Hill, as hereafter described;

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

Section 1. That Article III (Definitions) amends the definitions for “Site Plan”, “Sketch Plan”, and “Sketch Plat” as attached hereto.

Section 2. That Article IV (General Provisions) Sections 8 through 12 are amended as attached hereto.

Section 3. That Article VI (Provisions Governing Residential Districts) Section 5 is amended as attached hereto.

Section 4. That Article VII (Provisions Governing Business Districts) is amended to strike the two opening paragraphs following the Article title.

Section 5. That Article VIII (Provisions Governing Industrial Districts) is amended to strike the two opening paragraphs following the Article title.

Section 6. That Article X (Provisions Governing Planned Unit Developments) Section 2.6 is amended as attached hereto.

Section 7. That Article XII (Enforcement) Section 1 is amended as attached hereto.

Section 8. That Article XVII (Appeals) is created as attached hereto.

BE IT FURTHER ENACTED, that all ordinances or parts of ordinances in conflict herewith, be and same hereby, are repealed or modified as the case may be.

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

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20st day of April, 2015.

Rick Graham, Mayor

ATTEST:

April Goad, City Recorder

LEGAL FORM APPROVED:

Patrick Carter, City Attorney

ARTICLE III DEFINITIONS

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

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

ARTICLE IV GENERAL PROVISIONS

Section 8. Development Review Process. The applications listed in this section require Planning Commission review unless otherwise noted. The Planning Commission may approve with or without conditions, deny, table, or defer these applications.

8.1 Development Categories

- A. Sketch Plan (SKP). When a property owner intends to subdivide or develop property, he/she shall submit a sketch plan application to obtain conceptual approval from the Planning Commission prior to submitting a site plan application, lot split, concurrent plat, or preliminary plat application for approval. In general, the sketch plan shall be sufficient to indicate the expected use and development of the property. Prior to the issuance of building permits, a property owner shall be required to submit a site plan, lot split, concurrent plat, or preliminary plat application to obtain final development approval from the Planning Commission.

- B. Site Plan (STP). Prior to the issuance of building permits, a site plan application shall have received the approval of the Planning Commission. In general, the site plan shall be sufficient to indicate with reasonable certainty the use and development of the property.
 - 1. Applicability. Site plan approval shall be required for the following:
 - a. Non-residential developments; or
 - b. Mixed-use developments; or
 - c. Multi-family developments containing more than 10 dwelling units; or
 - d. Any facility emitting odors or handling explosives.

 - 2. Excluded developments.
 - a. An addition to an existing structure shall not be required to obtain site plan approval from the Planning Commission if the addition will not:
 - i. Exceed 3,000 square feet; or
 - ii. Require more than 10 additional parking spaces; or
 - iii. Require a change in existing ingress or egress; or
 - iv. Municipal life safety uses and critical infrastructure.

 - b. Excluded developments shall be required to obtain administrative approval from the Planning Department prior to the issuance of a building permit.

- C. Subdivision of Land
 - 1. Property Line Adjustment (PLA). A property line adjustment is a transfer or adjustment of a property line or lines between adjoining property owners that does not create a separate, new lot. A property line adjustment may be approved administratively by the Planning Department.

2. Lot Split (LSP). When a property is to be subdivided into four (4) lots or less and infrastructure is not required to be installed, the application may be processed as a lot split. After the creation of more than four lots from an original lot of record, any subsequent subdivision of the original lot of record or resulting tracts is required to be processed as a preliminary/final plat or a concurrent plat. A lot split may dedicate new easements or right-of-way and may be approved administratively by the Planning Department.
3. Preliminary Plat (PPL). When a property is to be subdivided and requires infrastructure improvements, the application shall be processed as a preliminary plat, which establishes the preliminary location of lot lines, streets, and utility infrastructure, and grants the applicant construction approval to install all required public and private improvements.
4. Final Plat (FPL). After completion of the required infrastructure and conditions for an approved preliminary plat, the property owner may submit an application for approval of a final plat. The final plat application may not be submitted until construction permits for the required infrastructure have been approved or applicable bonds have been approved by the Planning Commission.
5. Concurrent Plat (CCP). A concurrent plat combines the preliminary and final plats into one application and is permitted when a property is to be subdivided into more than four lots, or when a parent or resulting tract has been subdivided three or more times and is proposed to be further subdivided, and the existing and new parcels do not require construction of new infrastructure.

E. Planned Unit Development (PUD). A development application may be concurrently processed with a rezoning application through the PUD process and may be conditionally approved, subject to BOMA approval of the PUD standards. Development plans submitted with a PUD may include more restrictive development regulations, but such plans may not fall below the minimum development standards of this ordinance.

8.2 Development Review

- A. Application Submittal. All development applications shall be submitted to the Planning Department and will be processed for review in accordance with the Planning Department operating procedures.
- B. Application Requirements. Plans and plats shall be drawn in a legible manner, at a scale suitable to the size of the property being developed or subdivided. All plans shall be drawn at a standard engineering scale, and submitted in paper and digital form, as listed on the application. The following information shall be submitted to the Planning and Zoning Department for review:

General Information	SKP	STP	PPL	FPL	PUD	LSP	CCP
Name, address, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project	X	X	X	X	X	X	X
Name, address, phone numbers of owner(s), developer(s), and representatives	X	X	X	X	X	X	X
North arrow, scale, date of preparation, zoning classification, map/parcel numbers, total acreage, and proposed use	X	X	X	X	X	X	X
Title block located in the lower right hand corner indicating the name and type of	X	X	X	X	X	X	X

project, scale, firm/individual preparing drawing, date, and revisions							
Legend containing all symbols and lines shown in the drawing	X	X	X	X	X	X	X
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	X	X	X	X	X	X	X
The location of all existing structures on the property	X	X	X	X	X	X	X
Site coverage note indicating the percentage of the site that is currently covered by impervious surface.	X	X	X	X	X	X	X
Title, name, address, stamp, and signature of the design professional(s) who prepared plans/plats		X	X	X	X	X	X

Floodplain/floodways/wetlands	SKP	STP	PPL	FPL	PUD	LSP	CCP
Show 100-year floodplain and/or floodway and base flood elevations. Reference the FIRM panel number and effective date.	X	X	X	X	X	X	X
Note and delineate wetlands on the property		X	X	X	X	X	X
Existing and proposed topographic information with source of information noted		X	X		X	X	X
Show stream buffers	X	X	X	X	X	X	X
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;		X	X		X		
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		X	X		X		

Tree protection and landscaping	SKP	STP	PPL	FPL	PUD	LSP	CCP
Delineate trees to be retained on-site and the measures to be implemented for their protection		X	X		X		X

Depict the limits of soil disturbance to include all areas to be graded both on- and off-site		X	X		X		X
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.		X	X	X	X		X

Utilities, existing	SKP	STP	PPL	FPL	PUD	LSP	CCP
Show, note, and dimension all known existing on- and off-site utilities and easements	X	X	X	X	X	X	X
Show invert and rim elevations of all existing sanitary sewer, stormwater drains, and fire hydrants		X	X	X	X	X	X
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	X	X	X	X	X	X	X

Utilities, proposed	SKP	STP	PPL	FPL	PUD	LSP	CCP
Show all storm sewer structures, sanitary sewer structures, and drainage structures. Provide structure locations and types. Provide pipe types and sizes.		X	X	X	X	X	X
Stormwater drainage plans and calculations		X	X		X		
Sanitary sewer systems: show manhole locations and provide pipe locations, sizes, and types		X	X	X	X	X	X
Show invert elevations and connections of all proposed sanitary sewer, stormwater drains, and fire hydrants		X	X	X	X	X	X
Note the occurrence of previous water, sewer, or storm sewer overflow problems on-site or in the proximity of the site		X	X	X	X	X	X
If a septic system is to be utilized, provide a table of the acreage and percolation rates		X	X	X	X	X	X
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		X	X	X	X	X	X
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		X	X	X	X	X	X
State the width, location, and purpose of all proposed easements or rights-of-way for		X	X	X	X	X	X

utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project							
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Streets/rights-of-way/easements	SKP	STP	PPL	FPL	PUD	LSP	CCP
Delineate, label, and dimension from centerline existing street right-of-way (ROW) lines and Major Thoroughfare Plan ROW lines	X	X	X	X	X	X	X
Delineate, label, and dimension from centerline any required ROW dedication		X	X	X	X	X	X
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		X	X	X	X	X	X
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.		X	X		X		X
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	X						
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		X	X	X	X	X	X
Show approximate radii of all curves, lengths of tangents, and central angles on all public ways		X	X	X	X	X	X
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	X	X	X	X	X	X	X
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		X	X		X		
Location of public way signs, including street extension and speed limit signs		X	X	X	X		
The location of all existing and proposed street lights		X	X	X	X	X	X

Subdivision of land	SKP	STP	PPL	FPL	PUD	LSP	CCP
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	X		X	X	X	X	X
Show the approximate finish grade where pads are proposed for building sites			X	X	X	X	X

Number lots consecutively			X	X	X	X	X
For phased developments, identify all phase lines and the phase sequence			X	X	X		X

Site information	SKP	STP	PPL	FPL	PUD	LSP	CCP
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		X	X	X	X	X	X
Show the location of known existing or proposed ground leases or access agreements (shared parking lots, drives, etcetera)		X	X	X	X	X	X
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		X	X		X	X	X
For residential development, indicate the use and list in a table the number of units and bedrooms		X			X		
For non-residential development, indicate the gross floor area, all proposed uses, and the floor area devoted to each type of use		X			X		
Show location and size of existing or proposed signs, if any		X	X	X	X	X	X
Show general location and size of parking and loading areas	X						
Show location, size, and construction details of parking and loading areas.			X		X		
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		X			X		
Show location and width of curb cuts and driveways. Dimension driveways and curb cuts from side property lines and surrounding intersections	X	X	X	X	X	X	X
Show location and dimensions of buffer strips, fences, or walls, if required	X	X	X	X	X	X	X
Indicate location of and access to solid waste service		X			X		
Provide a description of commonly held areas, if applicable		X	X	X	X	X	X
Show required building setbacks. Provide a note of the current setback requirements for the property/project	X	X	X	X	X	X	X
Show location of adjacent parks, cemeteries, structures, development, and historically significant properties	X	X	X	X	X	X	X

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		X	X	X	X	X	X
Show contours at vertical intervals of not more than two (2) feet		X	X		X		X
Preliminary grading and drainage plans and reports as required by the City Engineer		X	X	X		X	X
Any other data or reports as deemed necessary for project review by the City Planner, City Administration, or Planning Commission		X	X	X	X	X	X
All required signature blocks			X	X		X	X

C. Public Meetings. Zoning and development applications are required to be processed through the Staff Review Meeting, Planning Commission Work Session, and Planning Commission regular meeting, unless otherwise described below:

1. Administrative Approval. Applications subject to administrative approval shall be processed through the Staff Review meeting only, unless referred by the Planning Department.
2. Historically Significant Sites. Properties designated by the Board of Mayor and Aldermen (BOMA) as historically significant and properties located within 300 feet of a property designated by BOMA as historically significant shall present zoning, development, and subdivision applications to the Spring Hill Historic Commission prior to being added to a Planning Commission agenda. The Spring Hill Historic Commission shall submit in writing a formal recommendation to the Planning Commission for consideration.

D. Approval Criteria.

1. Administrative Approval. The Planning Department may approve minor modifications to previously approved plans, Property Line Adjustments, Lot Splits, and developments listed in Section 8.2(B)(2). The Planning Department may refer applicants to the Planning Commission based on the following criteria:
 - a. The application does not comply with the zoning and development requirements for the property.
 - b. The proposed development would violate a City ordinance, a State statute, or federal statute.
 - c. The requested action would make an existing nonconforming property or structure more nonconforming.
 - d. The conditions of approval for a previously approved plan have not been met.
 - e. The developer or property owner refuses to dedicate right-of-way or easements.
 - f. The application would have an adverse impact on the health, safety, and welfare of the general public.
2. Planning Commission Approval. The Planning Commission shall exercise the full extent of the powers granted to it pursuant to Section 14.02 of the Spring Hill Municipal Code and Chapter 13 of the Tennessee Code Annotated and therewith may refuse to approve a development application based on, but not limited to the following criteria:

- a. The plat or development plan is not submitted in accordance with these requirements of the City's zoning and subdivision regulations.
- b. The proposed development would violate a City ordinance, a State statute, or federal statute.
- c. The developer refuses to dedicate street right-of-way, utility easements, or drainage easements determined to be necessary for the development.
- d. The land is found 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 which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas.
- e. The application would have an adverse impact on the health, safety, and welfare of the general public.
- f. City water and sewer is not readily available to the property within the development and the developer has made no provision for extending such service to the development.
- g. The developer refuses to comply with ordinance requirements or conditions of approval for on-site and off-site improvements.

8.3 Modifications to Previously Approved Plans

- A. Minor Modifications. The City Planner may authorize minor modifications to a previously approved plan. Minor modifications shall include, but not be limited to, minor shifts in property line locations or minor variations in building placement in such a way that the overall approved floor area, impervious area, or dwelling units per acre are not increased.
- B. Major Modifications. In the event a property owner wishes to make major modifications to an approved application, such modifications shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes. Major modifications shall include, but not be limited to, changes to the proposed use, increases in the floor area or building volume, increases to the property area, changes to ingress or egress, or an increase in the number of dwelling units.
- C. Reasons for Denial. An amendment or modification to a previously approved plan may be denied based upon a written finding by the City that the proposal:
 1. Alters the proposed use;
 2. Increases the overall area of the development;
 3. Alters the size of any nonresidential structure included in the development plan;
 4. Increases the density of the development so as to affect traffic, noise, or other environmental impacts; or
 5. Increases any local government expenditure necessary to implement or sustain the proposed use.

8.4 Expiration of Approved Applications

- A. Conceptual Approval. Sketch plan applications convey conceptual approval of the design of a property, not final development approval, and expire within one (1) year from the date of approval.
- B. Use Approval. An approved application for a use on appeal is conditioned upon the applicant accomplishing the applicable tasks enumerated below within one (1) year from the date of

approval. Should the applicant fail to accomplish the applicable tasks, the use approval shall be considered null and void.

1. Site plan approval for any new construction requiring Planning Commission approval; or
2. Building permit approval for any new construction or renovation not requiring Planning Commission approval;
3. Business license approval for any use not requiring building permit approval; or
4. Receive all permits and approvals required by City, County, State, and Federal regulations to complete the project.

C. Development Approval. During the vesting periods listed below, the adopted standards which are in effect on the date of approval of the required preliminary approval, or final development approval where preliminary approval is not required, shall remain the development standards applicable to the property.

1. Building Permit. The vesting period commences on the date of the building permit issuance and remains in effect for one (1) year.
2. Development Plan. The vesting period applicable to applications shall be three (3) years, beginning on the date of the application.
 - a. Should the applicant obtain all necessary permits for site preparation and commences site preparation within three (3) years of approval, the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year period for a total of five (5) years. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.
 - i. Should the applicant commence construction during the five-year period, the development standards applicable during the vesting period shall remain in effect until a final certificate of occupancy is issued; provided, the total vesting period of the project shall not exceed ten (10) years from the date of application approval, during which time the applicant shall maintain all necessary permits during this period.
3. The vesting period outlined in this subsection shall 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 shall receive ninety (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 ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

Approval	Application	Effective Date	Vesting Period	Total Vesting Period	Required Actions
Required Preliminary Approval	Planned Unit Development; Preliminary Plat; Sketch Plan; Site Plan in the R-4 zoning district;	Date of approval	3 years	3 years	Obtain Final development plan approval; secure permits; and commence site preparation
Final Development Approval for projects requiring Preliminary Approval	Concurrent Plat Lot Split; Planned Unit Development; Site Plan in the R-4 zoning district;	3 years from date of preliminary approval	2 years	5 years	Obtain Final Plat approval; Recordation of the plat; secure permits; commence site preparation
	Final Plat	5 years from date of preliminary approval	5 years	10 years	Recordation of the Final Plat; Complete construction; maintain permits
Phased Projects	All	Approval date of site plan or preliminary plat	3 years for each phase or section	15 years	Complete construction for each phase and maintain permits
Modifications	All	Approval date of the original application	Time limit for original approval	Total for original approval	Required actions for original approval

D. Variances. Board of Zoning Appeals approval of a variance is conditioned upon the applicant accomplishing the applicable tasks enumerated below within one (1) year from the date of approval. Should the applicant fail to accomplish the applicable tasks, variance approval shall be considered null and void.

1. Site plan approval for any new construction requiring Planning Commission approval; or
2. Building permit approval for any new construction or renovation not requiring Planning Commission approval;
3. Business license approval for any use not requiring building permit approval; or
4. Receive all permits and approvals required by City, County, State, and Federal regulations to complete the project.

E. Extensions. The Planning Commission, upon showing of good cause by the applicant, may extend for periods of twelve (12) months, the time for beginning construction. A project that has received an unresolved violation notice prior to the issuance of a final certificate of occupancy shall not be eligible for consideration of an extension.

Section 11. Development Review Fees. (Changed by Ord. 86-40.)

The purpose of this section is to provide for the establishment of a system of fees and charges reasonably calculated to enable the Town to recover the costs associated with the administration and enforcement of this ordinance. To this end, the Board of Aldermen shall adopt by resolution a schedule of fees and charges, consistent with this section, for applications for zoning permits, sign permits, special exception, variances, site plan approvals, appeals, interpretations, ordinance map or text amendments, planned unit development preliminary approvals and final master plan approvals, and other permits or approvals authorized under this ordinance.

- 11.1 For all permits and approvals there shall be charged a basic fee in an amount sufficient to cover the usual and customary direct costs associated with the type of application in question (e.g., the costs associated with advertising and conducting a public hearing) as well as that application's pro rata share of the general, non-allocable costs related to the administration and enforcement of this ordinance, including without limitation the costs of town personnel and costs of obtaining professional planning, architectural, legal, or engineering assistance necessary to administer, interpret, amend and enforce this ordinance.
- 11.2 The Board of Aldermen recognizes that, even among major developments of the same type and size, differences in topography, soil conditions, project design, and other factors can result in significant disparities in the amount of professional assistance needed by the Town to determine compliance with this ordinance. Therefore, with respect to requests for group housing developments, cluster housing developments, planned unit developments, and other commercial or industrial projects in excess of one acre, the applicant shall also bear 90 percent of the costs incurred by the Town to obtain professional planning, architectural, legal or engineering assistance in reviewing site plans for such projects and determining whether such projects, if completed as proposed, will comply with the provisions of this ordinance. To this end, the fees and charges schedule adopted by the Board shall establish an amount that must be deposited (along with the basic fee) by applicants for the foregoing types of developments. The Town may request at any time that additional amounts be deposited if it reasonably appears that the funds deposited under this section will be inadequate to cover the applicant's obligation under this section, and further processing of the applicant may be delayed until such additional deposit is received. In any event, no building permit may be issued until any deficiency has been paid. Upon approval or rejection of the site plan or upon withdrawal of the application, the Town shall forthwith refund any amount by which the deposit exceeds the amount owed.

11.3 The initial development review fees are as follows:

Zoning Permit	
Single-family house/mobile home	
Duplex	
Multi-family	
Other residential permitted use	
Commercial uses	
Sign Permit	
0 through 10 s.f.	\$30
11 through 20 s.f.	\$60
21 through 30 s.f.	\$90
31 through 60 s.f.	\$125
Over 60 s.f.	\$150
Temporary	\$5
Special Exception	
Residential	\$25 + \$10/dwelling unit
Nonresidential	\$25 + \$0.1/s.f. of building gross floor area
Appeal	\$100
Development	
Sketch Plan	\$100
Site Plan (residential)	\$100 + \$10/dwelling unit
Site Plan (nonresidential)	\$100 + \$1/square foot of gross floor area
Minor Modification	\$100

Major Modification	\$100
Extension	\$100
Planned Unit Development	
Preliminary approval	\$300+ \$25/acre for the portion proposed for residential use
	\$500 + \$100/acre for the portion proposed for nonresidential use
	In determining the amount of the preliminary approval fees, the entire acreage within the PUD shall be considered, without subtraction of areas proposed for roads, utility easements, open space, etc. Open space areas shall be characterized as residential or non-residential according to whether the area with which such open space is most closely associated is residential or non-residential. If a road or other easement not intended to be part of a lot divides a residential from a non-residential area, the dividing line between the two areas shall be considered to be the centerline of such road or easement.
Final Master Plan Approval	\$100 + \$20 per acre + \$5 per lot
Professional Consultant Review Fees	
Residential Portions of Site Plans	\$10/dwelling unit
Non-residential Portions of Site Plans	\$.02/s.f. of building gross floor area
Subdivisions	
Sketch Plan	\$100
Property Line Adjustment	\$100
Lot Split	\$200
Preliminary Plat	\$200 + \$20/acre + \$10/lot or dwelling unit
Final Plat	\$25 + \$5/lot
Concurrent Plat	\$200 + \$5/lot
Minor Modification	\$100
Major Modification	\$100
Extension	\$100
Variance	\$100
Zoning Map Amendment	\$200
Future Land Use Map Amendment	No cost

Section 12. Sanitary Sewers Required for Subdivisions.

12.1 No subdivision or other development of property for residential, commercial, or industrial use, when such property will not be served by a sanitary sewer system, will be approved by the Planning Commission or building permits issued for such property unless the owner of the property, at its expense, extends the necessary water and sewer lines and accessories to serve the proposed subdivision or development; provided, however, that the sewer line requirement may be waived by the Board of Mayor and Aldermen of the City of Spring Hill when it determines that extraordinary circumstances authorize a waiver of this requirement.

ARTICLE VI

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Section 5. (R-4) Residential District (High Density).

5.7 Provisions for Multi-family Housing Development.

This procedure shall be used in the case of a multi-family project of two (2) or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this ordinance.

5.7(1) Procedure for Submission and Review.

The provisions of this section shall apply to properties which are, at the time of application for approval, either:

- (a) Located within a zoning district wherein such use is currently permitted, or
- (b) Proposed for location upon a site for which a change in the zoning classification is proposed in order to allow such use.

Where a change in the zoning classification is required to permit such use, the procedure set forth in Section 5.7(2) shall apply. Where the use is to be located within a zoning district wherein such use is currently permitted, the applicant may proceed under the provisions of Section 5.7(3).

5.7(2) Board of Mayor and Aldermen Approval of a Site Plan

The provisions of this section shall apply to all requests for reclassifications of property where the intended use is multi-family housing.

5.7(2.1) Information Required. The applicant shall submit a site plan application in accordance with development review process of the Zoning Ordinance.

5.7(2.2) Planning Commission Recommendation. (Chg by Ord 13-11)

The Planning Commission may:

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

5.7(2.3) Action by Board of Mayor and Aldermen. (Changed by Ord 13-11)

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

5.7(3) Planning Commission Approval of a Site Plan.

The provisions of this section shall apply to all properties proposed for use as sites for multi-family housing.

5.7(3.1) Information Required. The applicant shall submit a site plan application in accordance with the development review process of the Zoning Ordinance.

5.7(3.2) Review Procedure. (Changed by Ord 13-11)

The Planning Commission may, upon a finding of substantial compliance (as set forth in Section 5.7(3.3) (below):

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

5.7(3.3) Determination of Substantial Compliance.

The final site development plan shall be deemed in substantial compliance with the preliminary site development plan, provided modifications by the applicant do not involve changes which in aggregate:

- (a) Violate any provisions of this ordinance;
- (b) Involve any increase in the number of dwelling units shown on the preliminary development plan;

- (c) Involve a reduction of more than five percent (5%) of the area shown on the preliminary development plan as reserved for open space, including parking areas;
- (d) Increase the floor area proposed in the preliminary development plan by more than five percent (5%).

5.7(4) Required Development Standards.

The following shall apply:

5.7(4.1) Location.

- (a) The site shall comprise a single lot or tract of land, except where divided by public streets.
- (b) The site shall abut a public street.

5.7(4.2) Density and Dimension.

- (a) The average number for dwelling units per acre of buildable land, not including streets, shall not exceed eighteen (18). Maximum buildable acreage shall consist of seventy-five percent (75%) of the total residentially zoned acreage available.
- (b) All yard requirements as established for the R-4, Residential (High Density), districts are applicable.

5.7(4.3) Design.

- (a) The maximum grade on any drive shall be seven percent (7%) unless an alteration is specifically approved by the city engineer.
- (b) Where feasible, all drive intersections shall be at right angles.

5.7(4.4) Public Street Access.

- (a) The minimum distance between access points along public street frontage, centerline to centerline, shall be two hundred (200) feet.
- (b) The minimum distance between the centerline of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

5.7(4.5) Required Improvements.

- (a) Internal Drives.

Specifications for drives in group housing developments shall be the same as the roadway specifications contained in the Spring Hill Subdivision Regulations to which reference is hereby made and incorporated herein by reference.

(b) Utilities.

The development shall be served with utility systems as deemed necessary by the appropriate City Department.

(c) Storage of Waste.

Any central refuse disposal area shall be maintained in such manner as to meet City health requirements, and shall be screened from view.

(d) Service Building.

Service buildings housing laundry, sanitary, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

ARTICLE X

PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT DISTRICTS

2.6 Failure to Begin Planned Unit Development.

If no “actual construction” has begun in the planned unit development within the time periods outlined in Article IV Section 8.4 (Expiration of Approved Applications), approval shall have expired.

ARTICLE XII
ENFORCEMENT

Section 1. Enforcing Officers.

The provisions of this ordinance shall be administered, interpreted, and enforced as follows:

- A. Zoning, development, and subdivisions: Planning Department
- B. Signs, building permits, and certificates of occupancy: Building Inspector

Section 2. Building Permits and Certificates of Occupancy.

2.1 Building Permit Required.

It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work.

2.2 Issuance of Building Permit.

In applying to the Building Inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered or moved, and any buildings already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, and other applicable ordinances of the Town of Spring Hill or the County of Maury then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing, with the cause.

2.2(1) The issuance of a permit shall in no case be construed as waiving any provisions of this ordinance.

2.2(2) A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

2.3 Certificate of Occupancy.

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance.

Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part

thereof and the proposed use thereof are found to conform with the provisions of this ordinance; or if such certificate is refused, to state refusal in writing with the cause.

2.4 No Building Permits Without Sewer Capacity (Ordinance 86-39)

2.4(1) No building permit may be issued for any lot where the construction work authorized under the permit will result in the need for a new connection to the Town's sanitary sewer system (as determined in accordance with Appendix A to Title 13, Chapter 1 of the Municipal Code) unless the developer has secured a reservation of existing sewer capacity (see Section 13-60 of the Municipal Code) that is sufficient to accommodate the proposed development.

2.4(2) If a building permit is sought for a lot with respect to which sewer capacity has already been reserved and availability fees paid at the time the building permit is applied for, but the proposed use will place a greater demand on the sewer system (according to Appendix A) than the capacity paid for at the time capacity was reserved, then no building permit may be issued until the additional required existing capacity is reserved and availability fees paid.

Section 3. Penalties.

Any person violating any provision of this ordinance shall be guilty of misdemeanor and, upon conviction, shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

Section 4. Remedies.

In case any building or structure is erected, constructed, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the Building Inspector or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy of such building, structure or land.

ARTICLE XVII

APPEALS

Section 1 Appeals

Appeals from final zoning and subdivision actions taken by the Board of Mayor and Aldermen, Planning Commission, Board of Zoning Appeals, and the Planning Department shall be as follows:

Section 2 Submittal Requirements

Unless an appeal is filed with the court, the following requirements shall be met:

- C. Request. All appeals shall be submitted in writing referencing the applicable section and setting out the reasons the applicant contends the decision was in error.
- D. Deadline. Appeals shall be submitted within 10 working days from the date of the final action taken. The entity hearing the appeal shall fix a reasonable time for hearing an appeal.
- E. Place. Appeals shall be filed with the following:
 - 1. Appeals made to the Board of Mayor and Aldermen shall be filed with the City Recorder.
 - 2. Appeals made to the Planning Commission or Board of Zoning Appeals shall be filed with the Planning Department.

Section 3 Appeals from Planning Commission Decisions

- A. Appeals to the Board of Mayor and Aldermen. Owners of record of the property being considered may appeal a decision by the Planning Commission for the following requests in accordance with this article:
 - 1. Subdivision (Property Line Adjustment, Lot Split, Preliminary Plat, Final Plat, Concurrent Plat)
 - 2. Sketch Plan
 - 3. Site Plan
 - 4. Design Review Guidelines
 - 5. Major Modification

Section 4 Appeals from Zoning Interpretations and Actions

Appeals to the Board of Zoning Appeals. An interpretation or decision of the Planning Department regarding zoning matters.

SUBJECT: Ordinance 15-08 (Development Review Process)

DATE: April 20, 2015

ATTENTION: Board of Mayor & Aldermen

DEPARTMENT HEAD: Dara Sanders, City Planner



STAFF MEMORANDUM

Background

Staff received recommended changes to three subsections of the proposed Article IV Section 8.4 (C). Those changes were not communicated in formal written correspondence and are attached as attached to an email to staff.

Recommendation

Staff has reviewed the recommended changes and is in favor of two of the three recommended changes:

8.4(C)(2) Development Plan. The vesting period applicable to preliminary approval applications shall be three (3), beginning on the date of approval.

8.4(C)(3)(b) Upon a written 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 intentionally and knowingly did not construct the plan or approved amendment for the building permit or the development plan.

The third change recommended relates to Section 8.4(C)(1), Building Permits. The request is to eliminate the time limit of the Municipal Code for a building permit. Staff is not in favor of eliminating the time limit for a building permit, nor is staff in favor of eliminating a reference to the time limit of a building permit. Listing in one location all applicable information related to the expiration of approved applications associated with the development process provides a benefit and convenience to the public and clearly outlines the City's requirements and expectations.

Changes proposed by John Williams, as submitted to staff:

1. Building Permit. The vesting period commences on the date of the building permit issuance and remains in effect for the period of time authorized by the permit ~~one (1) year~~.
2. Development Plan. The vesting period applicable to a lot split, property line adjustment, preliminary plat, final plat, concurrent plat, site plan, and planned unit development applications shall be three (3) years, beginning on the date of approval of the application.
 - a. Should the applicant obtain all necessary permits for site preparation and commences site preparation within three (3) years of approval, the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year period for a total of five (5) years. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.
 - i. Should the applicant commence construction during the five-year period, the development standards applicable during the vesting period shall remain in effect until a final certificate of occupancy is issued; provided, the total vesting period of the project shall not exceed ten (10) years from the date of application approval, during which time the applicant shall maintain all necessary permits during this period.
3. The vesting period outlined in this subsection shall 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 shall receive ninety (90) days from the date of the written notification to resolve the violation, unless provided additional time from the City.
 - b. Upon a written finding by the City that the applicant intentionally supplied inaccurate information regarding the building permit, development plan or an approved amendment for the building permit or the development plan.



SUBJECT: Ordinance 15-08 (Development Review Process)

SUBMITTED BY: Dara Sanders, City Planner

DATE: March 11, 2015

Purpose:

This memo is in reference to the amendments proposed by staff and recommended by the Planning Commission related establishing a development review process in response to the Tennessee Vested Property Rights Act of 2014.

Background:

During the BOMA work session held on March 2, 2015, discussion focused primarily on staff's proposal to eliminate the requirement to obtain conceptual approval of a sketch plan or sketch plat application and, instead, allow this to be submitted voluntarily. Staff proposed this change for two reasons:

1) Requiring Planning Commission approval of a conceptual design (sketch plan/sketch plat) prior to development approval (site plan/preliminary plat) is a redundant process that requires an applicant to submit a development request twice for review and approval. The review process for conceptual approval is basic, and excludes the review and consideration of building design, stormwater management, utility extension, street improvements, right-of-way dedication, landscaping, screening, buffering, or off-site improvements. Those items are reviewed at the time of development approval.

However, during the review of a conceptual design, staff is presented with the opportunity to bring forward anticipated requirements and concerns to be addressed at the time of development approval. Should the requirement to obtain conceptual approval be eliminated, staff would still have the opportunity during the required pre-application meeting prior to submitting a formal application to bring forward concerns and anticipated requirements or recommend submitting a sketch plan application.

Additionally, the applicant would still have the option of submitting a sketch plan application if he/she had concerns with investing in fully engineered plans for a site plan or preliminary plat application.

2) Planning Commission approval of a required conceptual application grants the applicant rights to the approved development form and the City's regulations adopted at that time until the project is completed, meaning until a certificate of occupancy is granted or a final plat is filed. Should a property be approved conceptually without consideration of building design, stormwater management, utility extension, street improvements, right-of-way dedication, landscaping, screening, buffering, or off-site improvements, the applicant's rights to that design are vested.

In response to the concern that eliminating the requirement for conceptual approval eliminates the applicant's ability to "plan" for the development of the property, staff's position is that the ability to get early feedback and input on concepts for development proposals is not only available, but just as accessible as it always has been.



But to address this concern in detail, staff has outlined several scenarios to demonstrate that the applicant's ability to "plan" the development of a property is not infringed upon by staff's proposal:

Scenario One – Approval under Current Regulations. The City's current regulations state that a sketch plat application expires one year from the date of approval, and the Planning Commission is authorized to grant a one-year extension to that approval. Staff is unaware of an extension request that has been denied by the Planning Commission. This one-year expiration has not been known to ever impede an applicant's ability to plan the development of a property.

Scenario Two – Conceptual Approval is not Required. Based on staff's proposal to allow for the voluntary submittal of a conceptual design application, an applicant could submit a site plan or preliminary plat application to allow for the development or subdivision, respectively, of the a property and move forward with obtaining a building permit or construction permits, respectively.

Or an applicant could elect to submit a sketch plan if he/she is not confident that the application meets the approval criteria. The review of this application would require an extensively greater level of staff's attention similar to that of a development application during the review process, as an approved sketch plan would be granted a vested period of one year and would likely be subject to several specific conditions of approval. During those 12 months, the applicant would be required to submit a site plan or preliminary plat application in order to retain those zoning and development regulations that were adopted at the time of sketch plan approval.

If the applicant doesn't submit a site plan or preliminary plat application by the 11th month, he/she would have the option of requesting a one-year extension from the Planning Commission, which would extend the applicant's rights to those zoning and development regulations that were adopted at the time of sketch plan approval. Staff has not proposed a limitation on the number of extensions that could be granted by the Planning Commission.

Scenario Three – Conceptual Approval is Required. Should the Board of Mayor and Aldermen elect to require conceptual approval, and applicant would be granted an extended period of vested rights to the City's current zoning and development regulations than that proposed by staff. Staff will use a property that is adjacent to a historically significant property as an example:

If an applicant obtains approval a required sketch plan application for vacant property to the east of Crossings Circle, the current zoning and development regulations would apply to that property until a certificate of occupancy is obtain (for a shopping center or apartment complex) or until a final plat is recorded (for a commercial or residential subdivision). Any regulations adopted after the approval of that sketch plan, whether or not they were being written or considered when the application was submitted, would not apply to this property, which means any historic preservation regulations or new design criteria applied to the area would not apply to this property.

Scenario Four – Approval of a Planned Unit Development (PUD). Amending general zoning and development regulations have no impact on an approved PUD, as a PUD is granted approval of specific zoning and development regulations tailored to that project boundary. Based on the approval process for a PUD application, preliminary approval of a concept plan is already required, which grants the applicant the full extent of the vested rights of the Act.



Recommendation:

Based on the information outlined in this memo, staff has demonstrated that an applicant may be granted time limits that are equal to or greater than those conveyed through the Tennessee Vested Property Rights Act of 2014. Staff's position is that the intent of the Tennessee Vested Property Rights Act of 2014 has not been compromised by the recommended amendments included in this ordinance and that the recommended amendments protect the best interest of the City and its stakeholders while providing applicants and the Planning Commission the flexibility to make logical and appropriate land use decisions.

ORDINANCE 15-08

AN ORDINANCE TO AMEND ORDINANCE 86-47, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRING HILL, TENNESSEE BY AMENDING ARTICLES III (DEFINITIONS), IV (GENERAL PROVISIONS), VI (PROVISIONS GOVERNING RESIDENTIAL DISTRICTS), VII (PROVISIONS GOVERNING BUSINESS DISTRICTS), VIII (PROVISIONS GOVERNING INDUSTRIAL DISTRICTS), X (PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT DISTRICTS), AND XII (ENFORCEMENT) AND BY CREATING ARTICLE XVII (APPEALS)

BE IT ORDAINED BY THE CITY OF SPRING HILL:

WHEREAS, the Board of Mayor and Aldermen for the City of Spring Hill may, pursuant to its charter and the general laws of the State of Tennessee, have right to enact an amend the Spring Hill Zoning Ordinance 86-47. Said amendments being within the adopted Comprehensive Plan purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the Spring Hill Zoning Ordinance does not clearly outline the zoning and development review process required of private property; and

WHEREAS, the Spring Hill Municipal Planning Commission intends to promote efficiency, clarity, and a fair and equitable process in its zoning regulations; and

WHEREAS, the Spring Hill Zoning Ordinance is in conflict with the Tennessee Vested Property Rights Act of 2014; and

WHEREAS, the Spring Hill Municipal Planning Commission has recommended to the Board of Mayor and Aldermen on the 9th of February 2015 to amend Zoning Ordinance 86-47 of the City of Spring Hill, as hereafter described;

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

Section 1. That Article III (Definitions) amends the definitions for “Site Plan” and “Sketch Plan” as attached hereto.

Section 2. That Article IV (General Provisions) Sections 8 through 12 are amended as attached hereto.

Planning Commission recommended version

Section 3. That Article VI (Provisions Governing Residential Districts) Section 5 is amended as attached hereto.

Section 4. That Article VII (Provisions Governing Business Districts) is amended to strike the two opening paragraphs following the Article title.

Section 5. That Article VIII (Provisions Governing Industrial Districts) is amended to strike the two opening paragraphs following the Article title.

Section 6. That Article X (Provisions Governing Planned Unit Developments) Section 2.6 is amended as attached hereto.

Section 7. That Article XII (Enforcement) Section 1 is amended as attached hereto.

Section 8. That Article XVII (Appeals) is created as attached hereto.

BE IT FURTHER ENACTED, that all ordinances or parts of ordinances in conflict herewith, be and same hereby, are repealed or modified as the case may be.

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

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20st day of April, 2015.

Rick Graham, Mayor

ATTEST:

April Goad, City Recorder

LEGAL FORM APPROVED:

Patrick Carter, City Attorney

**ARTICLE III
DEFINITIONS**

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

Sketch Plan- A voluntary submittal to the City consisting of a general concept of a proposed development or subdivision of a property.

**ARTICLE IV
GENERAL PROVISIONS**

Section 8. Development Review Process. The applications listed in this section require Planning Commission review unless otherwise noted. The Planning Commission may approve with or without conditions, deny, table, or defer these applications.

8.1 Development Categories

- A. Sketch Plan (SKP). When a property owner intends to subdivide or develop property, he/she may elect to submit a sketch plan application to obtain conceptual approval from the Planning Commission prior to submitting a fully engineered site plan application or preliminary plat for final development approval. In general, the sketch plan shall be sufficient to indicate the expected use and development of the property. Prior to the issuance of building permits, a property owner shall be required to submit a site plan or preliminary plat application to obtain final development approval from the Planning Commission.
- B. Site Plan (STP). Prior to the issuance of building permits, a site plan application shall have received the approval of the Planning Commission. In general, the site plan shall be sufficient to indicate with reasonable certainty the use and development of the property.
 - 1. Applicability. Site plan approval shall be required for the following:
 - a. Non-residential developments; or
 - b. Mixed-use developments; or
 - c. Multi-family developments containing more than 10 dwelling units; or
 - d. Any facility emitting odors or handling explosives.
 - 2. Excluded Developments.
 - a. An addition to an existing structure shall not be required to obtain site plan approval from the Planning Commission if the addition will not:
 - i. Exceed 3,000 square feet; or
 - ii. Require more than 10 additional parking spaces; or
 - iii. Require a change in existing ingress or egress; or
 - iv. Municipal life safety uses and critical infrastructure.
 - b. Excluded developments shall be required to obtain administrative approval from the Planning Department prior to the issuance of a building permit.
- C. Subdivision of Land
 - 1. Property Line Adjustment (PLA). A property line adjustment is a transfer or adjustment of a property line or lines between adjoining property owners that does not create a separate, new lot. A property line adjustment may be approved administratively by the Planning Department.

Planning Commission recommended version

2. Lot Split (LSP). When a property is to be subdivided into four (4) lots or less and infrastructure is not required to be installed, the application may be processed as a lot split. After the creation of more than four lots from an original lot of record, any subsequent subdivision of the original lot of record or resulting tracts is required to be processed as a preliminary/final plat or a concurrent plat. A lot split may dedicate new easements or right-of-way and may be approved administratively by the Planning Department.
 3. Preliminary Plat (PPL). When a property is to be subdivided and requires infrastructure improvements, the application shall be processed as a preliminary plat, which establishes the preliminary location of lot lines, streets, and utility infrastructure, and grants the applicant construction approval to install all required public and private improvements.
 4. Final Plat (FPL). After completion of the required infrastructure and conditions for an approved preliminary plat, the property owner may submit an application for approval of a final plat. The final plat application may not be submitted until construction permits for the required infrastructure have been approved or applicable bonds have been approved by the Planning Commission.
 5. Concurrent Plat (CCP). A concurrent plat combines the preliminary and final plats into one application and is permitted when a property is to be subdivided into more than four lots, or when a parent or resulting tract has been subdivided three or more times and is proposed to be further subdivided, and the existing and new parcels do not require construction of new infrastructure.
- D. Planned Unit Development (PUD). A development application may be concurrently processed with a rezoning application through the PUD process and may be conditionally approved, subject to BOMA approval of the PUD standards. Development plans submitted with a PUD may include more restrictive development regulations, but such plans may not fall below the minimum development standards of this ordinance.

8.2 Development Review

- A. Application Submittal. All development applications shall be submitted to the Planning Department and will be processed for review in accordance with the Planning Department operating procedures.
- B. Application Requirements. Plans and plats shall be drawn in a legible manner, at a scale suitable to the size of the property being developed or subdivided. All plans shall be drawn at a standard engineering scale, and submitted in paper and digital form, as listed on the application. The following information shall be submitted to the Planning and Zoning Department for review:

General Information	SKP	STP	PPL	FPL	PUD	LSP	CCP
Name, address, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project	X	X	X	X	X	X	X
Name, address, phone numbers of owner(s), developer(s), and representatives	X	X	X	X	X	X	X
North arrow, scale, date of preparation, zoning classification, map/parcel numbers, total acreage, and proposed use	X	X	X	X	X	X	X
Title block located in the lower right hand							

Planning Commission recommended version

corner indicating the name and type of project, scale, firm/individual preparing drawing, date, and revisions	X	X	X	X	X	X	X
Legend containing all symbols and lines shown in the drawing	X	X	X	X	X	X	X
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	X	X	X	X	X	X	X
The location of all existing structures on the property	X	X	X	X	X	X	X
Site coverage note indicating the percentage of the site that is currently covered by impervious surface.	X	X	X	X	X	X	X
Title, name, address, stamp, and signature of the design professional(s) who prepared plans/plats		X	X	X	X	X	X

Floodplain/floodways/wetlands	SKP	STP	PPL	FPL	PUD	LSP	CCP
Show 100-year floodplain and/or floodway and base flood elevations. Reference the FIRM panel number and effective date.	X	X	X	X	X	X	X
Note and delineate wetlands on the property		X	X	X	X	X	X
Existing and proposed topographic information with source of information noted		X	X		X	X	X
Show stream buffers	X	X	X	X	X	X	X
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;		X	X		X		
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		X	X		X		

Tree protection and landscaping	SKP	STP	PPL	FPL	PUD	LSP	CCP
Delineate trees to be retained on-site and the measures to be implemented for their		X	X		X		X

Planning Commission recommended version

protection							
Depict the limits of soil disturbance to include all areas to be graded both on- and off-site		X	X		X		X
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.		X	X	X	X		X

Utilities, existing	SKP	STP	PPL	FPL	PUD	LSP	CCP
Show, note, and dimension all known existing on- and off-site utilities and easements	X	X	X	X	X	X	X
Show invert and rim elevations of all existing sanitary sewer, stormwater drains, and fire hydrants		X	X	X	X	X	X
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	X	X	X	X	X	X	X

Utilities, proposed	SKP	STP	PPL	FPL	PUD	LSP	CCP
Show all storm sewer structures, sanitary sewer structures, and drainage structures. Provide structure locations and types. Provide pipe types and sizes.		X	X	X	X	X	X
Stormwater drainage plans and calculations		X	X		X		
Sanitary sewer systems: show manhole locations and provide pipe locations, sizes, and types		X	X	X	X	X	X
Show invert elevations and connections of all proposed sanitary sewer, stormwater drains, and fire hydrants		X	X	X	X	X	X
Note the occurrence of previous water, sewer, or storm sewer overflow problems on-site or in the proximity of the site		X	X	X	X	X	X
If a septic system is to be utilized, provide a table of the acreage and percolation rates		X	X	X	X	X	X
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		X	X	X	X	X	X
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		X	X	X	X	X	X

Planning Commission recommended version

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		X	X	X	X	X	X
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Streets/rights-of-way/easements	SKP	STP	PPL	FPL	PUD	LSP	CCP
Delineate, label, and dimension from centerline existing street right-of-way (ROW) lines and Major Thoroughfare Plan ROW lines	X	X	X	X	X	X	X
Delineate, label, and dimension from centerline any required ROW dedication		X	X	X	X	X	X
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		X	X	X	X	X	X
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.		X	X		X		X
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	X						
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		X	X	X	X	X	X
Show approximate radii of all curves, lengths of tangents, and central angles on all public ways		X	X	X	X	X	X
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	X	X	X	X	X	X	X
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		X	X		X		
Location of public way signs, including street extension and speed limit signs		X	X	X	X		
The location of all existing and proposed street lights		X	X	X	X	X	X

Subdivision of land	SKP	STP	PPL	FPL	PUD	LSP	CCP
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	X		X	X	X	X	X

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Show location of adjacent parks, cemeteries, structures, development, and historically significant properties	X	X	X	X	X	X	X
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		X	X	X	X	X	X
Show contours at vertical intervals of not more than two (2) feet		X	X		X		X
Preliminary grading and drainage plans and reports as required by the City Engineer		X	X	X		X	X
Any other data or reports as deemed necessary for project review by the City Planner, City Administration, or Planning Commission		X	X	X	X	X	X
All required signature blocks			X	X		X	X

C. Public Meetings. Zoning and development applications are required to be processed through the Staff Review Meeting, Planning Commission Work Session, and Planning Commission regular meeting, unless otherwise described below:

1. Administrative Approval. Applications subject to administrative approval shall be processed through the Staff Review meeting only, unless referred by the Planning Department.
2. Historically Significant Sites. Properties designated by the Board of Mayor and Aldermen (BOMA) as historically significant and properties located within 300 feet of a property designated by BOMA as historically significant shall present zoning, development, and subdivision applications to the Spring Hill Historic Commission prior to being added to a Planning Commission agenda. The Spring Hill Historic Commission shall submit in writing a formal recommendation to the Planning Commission for consideration.

D. Approval Criteria.

1. Administrative Approval. The Planning Department may approve minor modifications to previously approved plans, Property Line Adjustments, Lot Splits, and developments listed in Section 8.2(B)(2). The Planning Department may refer applicants to the Planning Commission based on the following criteria:
 - a. The application does not comply with the zoning and development requirements for the property.
 - b. The proposed development would violate a City ordinance, a State statute, or federal statute.
 - c. The requested action would make an existing nonconforming property or structure more nonconforming.
 - d. The conditions of approval for a previously approved plan have not been met.
 - e. The developer or property owner refuses to dedicate right-of-way or easements.
 - f. The application would have an adverse impact on the health, safety, and welfare of the general public.
2. Planning Commission Approval. The Planning Commission shall exercise the full extent of the powers granted to it pursuant to Section 14.02 of the Spring Hill Municipal Code

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and Chapter 13 of the Tennessee Code Annotated and therewith may refuse to approve a development application based on, but not limited to the following criteria:

- a. The plat or development plan is not submitted in accordance with these requirements of the City's zoning and subdivision regulations.
- b. The proposed development would violate a City ordinance, a State statute, or federal statute.
- c. The developer refuses to dedicate street right-of-way, utility easements, or drainage easements determined to be necessary for the development.
- d. The land is found 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 which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas.
- e. The application would have an adverse impact on the health, safety, and welfare of the general public.
- f. City water and sewer is not readily available to the property within the development and the developer has made no provision for extending such service to the development.
- g. The developer refuses to comply with ordinance requirements or conditions of approval for on-site and off-site improvements.

8.3 Modifications to Previously Approved Plans

- A. Minor Modifications. The City Planner may authorize minor modifications to a previously approved plan. Minor modifications shall include, but not be limited to, minor shifts in property line locations or minor variations in building placement in such a way that the overall approved floor area, impervious area, or dwelling units per acre are not increased.
- B. Major Modifications. In the event a property owner wishes to make major modifications to an approved application, such modifications shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes. Major modifications shall include, but not be limited to, changes to the proposed use, increases in the floor area or building volume, increases to the property area, changes to ingress or egress, or an increase in the number of dwelling units.
- C. Reasons for Denial. An amendment or modification to a previously approved plan may be denied based upon a written finding by the City that the proposal:
 1. Alters the proposed use;
 2. Increases the overall area of the development;
 3. Alters the size of any nonresidential structure included in the development plan;
 4. Increases the density of the development so as to affect traffic, noise, or other environmental impacts; or
 5. Increases any local government expenditure necessary to implement or sustain the proposed use.

8.4 Expiration of Approved Applications

- A. Conceptual Approval. Sketch plan applications convey conceptual approval of the design of a property, not final development approval, and expire within one (1) year from the date of approval.

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- B. Use Approval. An approved application for a use on appeal is conditioned upon the applicant accomplishing the applicable tasks enumerated below within one (1) year from the date of approval. Should the applicant fail to accomplish the applicable tasks, the use approval shall be considered null and void.
1. Site plan approval for any new construction requiring Planning Commission approval; or
 2. Building permit approval for any new construction or renovation not requiring Planning Commission approval;
 3. Business license approval for any use not requiring building permit approval; or
 4. Receive all permits and approvals required by City, County, State, and Federal regulations to complete the project.
- C. Development Approval. During the vesting periods listed below, the adopted standards which are in effect on the date of approval of the required preliminary approval, or final development approval where preliminary approval is not required, shall remain the development standards applicable to the property.
1. Building Permit. The vesting period commences on the date of the building permit issuance and remains in effect for one (1) year.
 2. Development Plan. The vesting period applicable to a lot split, property line adjustment, preliminary plat, final plat, concurrent plat, site plan, and planned unit development applications shall be three (3) years, beginning on the date of the application.
 - a. Should the applicant obtain all necessary permits for site preparation and commences site preparation within three (3) years of approval, the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year period for a total of five (5) years. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.
 - i. Should the applicant commence construction during the five-year period, the development standards applicable during the vesting period shall remain in effect until a final certificate of occupancy is issued; provided, the total vesting period of the project shall not exceed ten (10) years from the date of application approval, during which time the applicant shall maintain all necessary permits during this period.
 3. The vesting period outlined in this subsection shall 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 shall receive ninety (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

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building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

Approval	Application	Effective Date	Vesting Period	Total Vesting Period	Required Actions
Elective Preliminary Approval	Sketch Plan	Date of approval	1 year	1 year	Obtain final development approval
Required Preliminary Approval	Planned Unit Development; Preliminary Plat; Site Plan in the R-4 zoning district	Date of approval	3 years	3 years	Obtain Final development plan approval; secure permits; and commence site preparation
Final Development Approval for projects requiring Preliminary Approval	Final Plat; Planned Unit Development; Site Plan in the R-4 zoning district	3 years from date of preliminary approval	2 years	5 years	Recordation of the plat; secure permits; commence site preparation
		5 years from date of preliminary approval	5 years	10 years	Complete construction; maintain permits
Final Development approval for projects not requiring preliminary approval	Property line adjustment; Lot split; Concurrent Plat; Site Plan;	Date of approval	3 years	3 years	Recordation of the plat; secure permits; commence site preparation
		5 years from date of preliminary approval	5 years	10 years	Complete construction; maintain permits
Phased Projects	All	Approval date of site plan or preliminary plat	3 years for each phase or section	15 years	Complete construction for each phase and maintain permits
Modifications	All	Approval date of the original application	Time limit for original approval	Total for original approval	Required actions for original approval

D. Variances. Board of Zoning Appeals approval of a variance is conditioned upon the applicant accomplishing the applicable tasks enumerated below within one (1) year from the date of approval. Should the applicant fail to accomplish the applicable tasks, variance approval shall be considered null and void.

1. Site plan approval for any new construction requiring Planning Commission approval; or
2. Building permit approval for any new construction or renovation not requiring Planning Commission approval;
3. Business license approval for any use not requiring building permit approval; or
4. Receive all permits and approvals required by City, County, State, and Federal regulations to complete the project.

E. Extensions. The Planning Commission, upon showing of good cause by the applicant, may extend for periods of twelve (12) months, the time for beginning construction. A project that

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has received an unresolved violation notice prior to the issuance of a final certificate of occupancy shall not be eligible for consideration of an extension.

Section 11. Development Review Fees. (Changed by Ord. 86-40.)

The purpose of this section is to provide for the establishment of a system of fees and charges reasonably calculated to enable the Town to recover the costs associated with the administration and enforcement of this ordinance. To this end, the Board of Aldermen shall adopt by resolution a schedule of fees and charges, consistent with this section, for applications for zoning permits, sign permits, special exception, variances, site plan approvals, appeals, interpretations, ordinance map or text amendments, planned unit development preliminary approvals and final master plan approvals, and other permits or approvals authorized under this ordinance.

11.1 For all permits and approvals there shall be charged a basic fee in an amount sufficient to cover the usual and customary direct costs associated with the type of application in question (e.g., the costs associated with advertising and conducting a public hearing) as well as that application's pro rata share of the general, non-allocable costs related to the administration and enforcement of this ordinance, including without limitation the costs of town personnel and costs of obtaining professional planning, architectural, legal, or engineering assistance necessary to administer, interpret, amend and enforce this ordinance.

11.2 The Board of Aldermen recognizes that, even among major developments of the same type and size, differences in topography, soil conditions, project design, and other factors can result in significant disparities in the amount of professional assistance needed by the Town to determine compliance with this ordinance. Therefore, with respect to requests for group housing developments, cluster housing developments, planned unit developments, and other commercial or industrial projects in excess of one acre, the applicant shall also bear 90 percent of the costs incurred by the Town to obtain professional planning, architectural, legal or engineering assistance in reviewing site plans for such projects and determining whether such projects, if completed as proposed, will comply with the provisions of this ordinance. To this end, the fees and charges schedule adopted by the Board shall establish an amount that must be deposited (along with the basic fee) by applicants for the foregoing types of developments. The Town may request at any time that additional amounts be deposited if it reasonably appears that the funds deposited under this section will be inadequate to cover the applicant's obligation under this section, and further processing of the applicant may be delayed until such additional deposit is received. In any event, no building permit may be issued until any deficiency has been paid. Upon approval or rejection of the site plan or upon withdrawal of the application, the Town shall forthwith refund any amount by which the deposit exceeds the amount owed.

11.3 The initial development review fees are as follows:

Zoning Permit	
Single-family house/mobile home	
Duplex	
Multi-family	
Other residential permitted use	
Commercial uses	
Sign Permit	
0 through 10 s.f.	\$30
11 through 20 s.f.	\$60
21 through 30 s.f.	\$90

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31 through 60 s.f.	\$125
Over 60 s.f.	\$150
Temporary	\$5
Special Exception	
Residential	\$25 + \$10/dwelling unit
Nonresidential	\$25 + \$0.1/s.f. of building gross floor area
Appeal	\$100
Development	
Sketch Plan	\$100
Site Plan (residential)	\$100 + \$10/dwelling unit
Site Plan (nonresidential)	\$100 + \$1/square foot of gross floor area
Minor Modification	\$100
Major Modification	\$100
Extension	\$100
Planned Unit Development	
Preliminary approval	\$300+ \$25/acre for the portion proposed for residential use
	\$500 + \$100/acre for the portion proposed for nonresidential use
	In determining the amount of the preliminary approval fees, the entire acreage within the PUD shall be considered, without subtraction of areas proposed for roads, utility easements, open space, etc. Open space areas shall be characterized as residential or non-residential according to whether the area with which such open space is most closely associated is residential or non-residential. If a road or other easement not intended to be part of a lot divides a residential from a non-residential area, the dividing line between the two areas shall be considered to be the centerline of such road or easement.
Final Master Plan Approval	\$100 + \$20 per acre + \$5 per lot
Professional Consultant Review Fees	
Residential Portions of Site Plans	\$10/dwelling unit
Non-residential Portions of Site Plans	\$.02/s.f. of building gross floor area
Subdivisions	
Sketch Plan	\$100
Property Line Adjustment	\$100
Lot Split	\$200
Preliminary Plat	\$200 + \$20/acre + \$10/lot or dwelling unit
Final Plat	\$25 + \$5/lot
Concurrent Plat	\$200 + \$5/lot
Minor Modification	\$100
Major Modification	\$100
Extension	\$100
Variance	\$100
Zoning Map Amendment	\$200
Future Land Use Map Amendment	No cost

Section 12. Sanitary Sewers Required for Subdivisions.

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- 12.1 No subdivision or other development of property for residential, commercial, or industrial use, when such property will not be served by a sanitary sewer system, will be approved by the Planning Commission or building permits issued for such property unless the owner of the property, at its expense, extends the necessary water and sewer lines and accessories to serve the proposed subdivision or development; provided, however, that the sewer line requirement may be waived by the Board of Mayor and Aldermen of the City of Spring Hill when it determines that extraordinary circumstances authorize a waiver of this requirement.

ARTICLE VI PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Section 5. (R-4) Residential District (High Density).

5.7 Provisions for Multi-family Housing Development.

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This procedure shall be used in the case of a multi-family project of two (2) or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this ordinance.

5.7(1) Procedure for Submission and Review.

The provisions of this section shall apply to properties which are, at the time of application for approval, either:

- (a) Located within a zoning district wherein such use is currently permitted, or
- (b) Proposed for location upon a site for which a change in the zoning classification is proposed in order to allow such use.

Where a change in the zoning classification is required to permit such use, the procedure set forth in Section 5.7(2) shall apply. Where the use is to be located within a zoning district wherein such use is currently permitted, the applicant may proceed under the provisions of Section 5.7(3).

5.7(2) Board of Mayor and Aldermen Approval of a Site Plan

The provisions of this section shall apply to all requests for reclassifications of property where the intended use is multi-family housing.

5.7(2.1) Information Required. The applicant shall submit a site plan application in accordance with development review process of the Zoning Ordinance.

5.7(2.2) Planning Commission Recommendation. (Chg by Ord 13-11)

The Planning Commission may:

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

5.7(2.3) Action by Board of Mayor and Aldermen. (Changed by Ord 13-11)

After review and recommendation by the Planning Commission, the applicant may proceed to the Board of Mayor and Aldermen with the proposal. At the meeting of the Board where the proposal is presented, the site development plan, along with the action recommended by the Planning Commission shall be presented for review. The Board may approve or disapprove the proposal, or in

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an instance where the Planning Commission has recommended approval with conditions or recommendations for alterations, the Board may establish specific conditions within the purview of this ordinance for approval. Upon action by the Board approving the plan and the proposed change in zoning classification, the applicant may proceed to prepare and present to the Planning Commission a final site development plan as set forth in Section 5.7(3) (below).

5.7(3) Planning Commission Approval of a Site Plan.

The provisions of this section shall apply to all properties proposed for use as sites for multi-family housing.

5.7(3.1) Information Required. The applicant shall submit a site plan application in accordance with the development review process of the Zoning Ordinance.

5.7(3.2) Review Procedure. (Changed by Ord 13-11)

Planning Commission may, upon a finding of substantial compliance (as set forth in Section 5.7(3.3) (below):

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

5.7(3.3) Determination of Substantial Compliance.

The final site development plan shall be deemed in substantial compliance with the preliminary site development plan, provided modifications by the applicant do not involve changes which in aggregate:

- (a) Violate any provisions of this ordinance;
- (b) Involve any increase in the number of dwelling units shown on the preliminary development plan;
- (c) Involve a reduction of more than five percent (5%) of the area shown on the preliminary development plan as reserved for open space, including parking areas;

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- (d) Increase the floor area proposed in the preliminary development plan by more than five percent (5%).

5.7(4) Required Development Standards.

The following shall apply:

5.7(4.1) Location.

- (a) The site shall comprise a single lot or tract of land, except where divided by public streets.
- (b) The site shall abut a public street.

5.7(4.2) Density and Dimension.

- (a) The average number for dwelling units per acre of buildable land, not including streets, shall not exceed eighteen (18). Maximum buildable acreage shall consist of seventy-five percent (75%) of the total residentially zoned acreage available.
- (b) All yard requirements as established for the R-4, Residential (High Density), districts are applicable.

5.7(4.3) Design.

- (a) The maximum grade on any drive shall be seven percent (7%) unless an alteration is specifically approved by the city engineer.
- (b) Where feasible, all drive intersections shall be at right angles.

5.7(4.4) Public Street Access.

- (a) The minimum distance between access points along public street frontage, centerline to centerline, shall be two hundred (200) feet.
- (b) The minimum distance between the centerline of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

5.7(4.5) Required Improvements.

(a) Internal Drives.

Specifications for drives in group housing developments shall be the same as the roadway specifications contained in the Spring Hill Subdivision Regulations to which reference is hereby made and incorporated herein by reference.

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(b) Utilities.

The development shall be served with utility systems as deemed necessary by the appropriate City Department.

(c) Storage of Waste.

Any central refuse disposal area shall be maintained in such manner as to meet City health requirements, and shall be screened from view.

(d) Service Building.

Service buildings housing laundry, sanitary, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

ARTICLE X

PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT DISTRICTS

2.6 Failure to Begin Planned Unit Development.

If no “actual construction” has begun in the planned unit development within the time periods outlined in Article IV Section 8.4 (Expiration of Approved Applications), approval shall have expired.

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Section 1. Enforcing Officers.

The provisions of this ordinance shall be administered, interpreted, and enforced as follows:

- A. Zoning, development, and subdivisions: Planning Department
- B. Signs, building permits, and certificates of occupancy: Building Inspector

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APPEALS

Section 1 Appeals

Appeals from final zoning and subdivision actions taken by the Board of Mayor and Aldermen, Planning Commission, Board of Zoning Appeals, and the Planning Department shall be as follows:

Section 2 Submittal Requirements

Unless an appeal is filed with the court, the following requirements shall be met:

- C. Request. All appeals shall be submitted in writing referencing the applicable section and setting out the reasons the applicant contends the decision was in error.
- D. Deadline. Appeals shall be submitted within 10 working days from the date of the final action taken. The entity hearing the appeal shall fix a reasonable time for hearing an appeal.
- E. Place. Appeals shall be filed with the following:
 - 1. Appeals made to the Board of Mayor and Aldermen shall be filed with the City Recorder.
 - 2. Appeals made to the Planning Commission or Board of Zoning Appeals shall be filed with the Planning Department.

Section 3 Appeals from Planning Commission Decisions

- A. Appeals to the Board of Mayor and Aldermen. Owners of record of the property being considered may appeal a decision by the Planning Commission for the following requests in accordance with this article:
 - 1. Future Land Use Designation Amendment
 - 2. Subdivision (Property Line Adjustment, Lot Split, Preliminary Plat, Final Plat, Concurrent Plat)
 - 3. Sketch Plan
 - 4. Site Plan
 - 5. Building Design
 - 6. Major Modification

Section 4 Appeals from Zoning Interpretations and Actions

Appeals to the Board of Zoning Appeals. An interpretation or decision of the Planning Department regarding zoning matters.

ORDINANCE 15-09

AN ORDINANCE TO AMEND ORDINANCE 86-47, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRING HILL, TENNESSEE BY AMENDING ARTICLES III (DEFINITIONS) AND VII (PROVISIONS GOVERNING BUSINESS DISTRICTS)

BE IT ORDAINED BY THE CITY OF SPRING HILL:

WHEREAS, the Board of Mayor and Aldermen for the City of Spring Hill may, pursuant to its charter and the general laws of the State of Tennessee, have right to enact an amend the Spring Hill Zoning Ordinance 86-47. Said amendments being within the adopted Comprehensive Plan purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the Spring Hill Municipal Planning Commission has created a precedent of guiding such land uses to areas of less impact creating a better harmony of land uses for the community ; and

WHEREAS, the Spring Hill Municipal Planning Commission has recommended to the Board of Mayor and Aldermen on the 9th of February 2015 to amend Zoning Ordinance 86-47 of the City of Spring Hill, as hereafter described;

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

Section 1. That Article III (Definitions) inserts the definition for Work/live as attached hereto.

Section 2. That Article VII (Provisions Governing Business Districts) is amended as attached hereto.

BE IT FURTHER ENACTED, that all ordinances or parts of ordinances in conflict herewith, be and same hereby, are repealed or modified as the case may be.

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

**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill,
Tennessee on the 20st day of April, 2015.**

Rick Graham, Mayor

ATTEST:

April Goad, City Recorder

LEGAL FORM APPROVED:

Patrick Carter, City Attorney

ARTICLE III

DEFINITIONS

Work/live – The term work/live means that the needs of the work component take precedence over the quiet enjoyment expectations of residents in that there may be noise, odors or other impacts, as well as employees walk-in trade or sales. The predominant use of a work/live unit is commercial or industrial work activity, and residence is a secondary use.

ARTICLE VII
PROVISIONS GOVERNING BUSINESS DISTRICTS

Section 1. (B-1) Office and Limited Retail Commercial Zone District.

Intent. To provide adequate space suitable for professional and business offices and the limited retail commercial use set forth herein in appropriate locations where no larger amount of traffic will be generated and where no detrimental effects will be felt by existing or future neighborhoods. The area is to remain in a state of low density development.

1.1 Uses Permitted.

- 1.1(1) Residential uses, subject to the provisions of the R-4 District.
- 1.1(2) Professional office and public office buildings.
- 1.1(3) General office space.
- 1.1(4) Funeral homes.
- 1.1(5) Churches.
- 1.1(6) Accessory uses or structures customarily incidental to the above permitted uses.

1.2 Uses Permitted on Appeal to the Board of Zoning Appeals.

- 1.2(1) Commercial activities and uses subject to Section 1.8 (below).
- 1.2(2) Schools offering general education or specialized instruction.
- 1.2(3) Other uses determined not to be detrimental to the district. Such uses shall be limited to the low density character of the district and shall be limited in area to traffic generation potential.
- 1.2(4) Off-site parking lots

1.3 Uses Prohibited.

Commercial uses and activities, except as provided herein.

1.4 Lot Area, Lot Width, Yards and Building Area.

1.4(1) Lot Area.

1.4(1.1) Existing Buildings Located Upon Small Lot.

Existing buildings located upon lots which are five thousand (5,000) square feet or greater and which are of record upon the effective date of the adoption of this ordinance may be utilized for any purpose permitted by

right or (subject to approval of the requested use by the Board of Appeals) any use permitted upon appeal within B-1 Districts. Provided, however, that no expansion or alteration of existing structures may increase the degree of non-compliance which may exist as a result of current provisions or of any subsequent amendment to this ordinance.

1.4(1.2) New Buildings and Lots.

Except as provided in Section 1.4(1.1) (above) for existing buildings located upon small existing lots of record, all new buildings and uses permitted within B-1 Districts shall be located upon lots of no less than ten thousand (10,000) square feet in area.

1.4(2) Lot Width.

Minimum lot width at the building line shall be fifty (50) feet.

1.4(3) Yards.

Lots shall be considered fronting on either arterial or collectors streets. All principal and accessory structures shall be set back from the right-of-way lines of streets a minimum of thirty (30) feet.

Side yards shall be a minimum of ten (10) feet for one and two story buildings and five (5) feet for each additional story.

Rear yards shall be a minimum of twenty (25) feet for one story buildings and five (5) feet for each additional story.

A minimum Buffer Yard of twenty-five (25) feet shall be required (Changed by Ord. 07-30.)

1.4(4) Building Area.

Maximum building area shall be forty percent (40%) of total lot area.

1.5 Height.

Buildings hereafter constructed shall not exceed fifty (50) feet in height.

1.6 Location of Accessory Structures.

1.6(1) With the exception of signs, accessory structures shall not be erected in any required front or side yards.

1.6(2) Accessory structures shall be located at least (10) feet from rear lot lines and five (5) feet from any building on the same lot.

1.7 Special Restrictions for Commercial Activities Permitted Within B-1 District.

In the environment in which commercial establishments are intended to be permitted, it is the intent of this section that no such establishment or group of establishments shall be of

such size or character as to create the impression of general commercial development. Therefore, in addition to other limitations designed to achieve these ends, individual commercial establishments shall be restricted so as to reduce or eliminate possible negative influences upon the basic residential character of the district.

1.7(1) Maximum Size of Establishments.

No individual commercial establishment shall have a gross floor area exceeding five thousand (5,000) square feet.

1.7(2) Except for emergency activities at the office of physicians and dentists, no commercial establishment shall be open for business between the hours of 8:00 p.m. and 8:00 a.m.

1.7(3) Conduct of Operations.

All sales, service, or display in connection with commercial establishments shall be within completely enclosed buildings, and there shall be no display, service, or storage outside such buildings. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside such buildings or be audible beyond any line of the lot on which the building is situated.

1.7(4) Exterior Storage.

Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in the rear of the commercial operation only and shall not be located in any front or side yard. Such facilities shall be totally screened, using similar exterior materials from which the outside walls of the principal building is constructed and shall be maintained in a clean and orderly manner.

1.8 Special Provisions Governing Accessory Off-Street Parking for Commercial Uses and Activities Located Within B-1 Districts.

Where any commercial use or activity permitted within any B-1 District adjoins any existing residential use within either a B-1 District or any residential district, the following special provisions may be utilized, singly or in combination, in order to offset any negative impacts of the parking upon the use and enjoyment of the adjoining residential activity.

1.8(1) Parking may be restricted or prohibited within front or side yards which adjoin a residential use or activity.

1.8(2) Buffer yards may be required.

1.8(3) Off-site parking may be located on a lot other than the same lot as such, to which the spaces are accessory provided that:

1.8(3.1) Such spaces are located in a mixed-use, or commercial district;

- 1.8(3.2) Such spaces are located to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage;
- 1.8(3.3) Such spaces are located no farther than four hundred (400) feet from the nearest boundary of the lot occupied by the activities to which they are accessory;
- 1.8(3.4) Such spaces are in the same ownership as the use(s) to which they are accessory and necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use(s), and
- 1.8(3.5) Such spaces conform to all applicable district regulations of the district in which they are located.

Section 2. (B-2) Neighborhood Shopping District.

Intent. To provide for certain frequently needed basic household commercial services at locations convenient to residential area, without altering their residential character. Secondly, to eliminate lengthy trips for everyday needs to major shopping areas, and so reduce traffic at these locations.

2.1 Uses Permitted

- 2.1(1) Loft style work/live apartments (Changed by Ord. 05-35.)
- 2.1(2) Grocery, drug and hardware stores, meat or fruit markets, legitimate theaters, barber or beauty shops, shoe repair shops, branch laundry or dry cleaning establishments where no laundering or cleaning is to be done on the premises, offices, restaurants with no drive-in/drive-thru service, and other retail businesses or services which are essential to the convenience of the neighboring residents, and, in addition, any accessory use or building customarily incidental to the above permitted uses. (See definition on Convenience Commercial).

2.2 Uses Permitted on Appeal.

- 2.2(1) Filling stations
- 2.2(2) Movie theaters
- 2.2(3) Off-site parking lots

2.3 Uses Prohibited.

Uses not specifically permitted.

2.4 Lot Area, Lot Width, Yards and Building Area. (Changed by Ordinance 12-14)

2.4(1) Lot Area.

No minimum lot area is required, however, off-street parking and loading/unloading requirements shall be observed.

2.4(2) Lot Width.

Lot width at the building setback line shall be seventy-five (75) feet.

2.4(3) Yards.

All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance of thirty (30) feet.

On lots adjacent to a residential zone, all buildings shall be located so as to conform with the side yard requirements of the adjacent residential zone.

Rear yards shall be a minimum of twenty (25) feet for one story buildings and five (5) feet for each additional story.

A minimum Buffer Yard of twenty-five (25) feet shall be required.
(Changed by Ord. 07-30.)

2.4(4) Building Area.

Maximum building area shall be forty percent (40%) of the total lot area.

2.5 Height.

Buildings hereafter constructed shall not exceed fifty (50) feet in height.

2.6 Location of Accessory Structures.

2.6(1) With the exception of signs, accessory structures shall not be erected in any required front or side yards.

2.6(2) Accessory structures shall be located at least five (5) feet from all rear lot lines and from any building on the same lot.

Section 3. (B-3) Intermediate Business District.

Intent. This district is designed primarily to provide sufficient space primarily along arterial and collector streets for establishment and uses engaged in wholesale and retail trade, offering a wide variety of products and services.

3.1 Uses Permitted.

3.1(1) Automobile sales and service, bank, barbershop or beauty parlor, bus terminals, churches, clinics, dry cleaning and laundry establishments, filling stations, funeral homes, hotels, movie theaters, legitimate theaters, manufacture of articles to be sold at retail on the premises (provided such manufacturing is incidental to the retail business and employs not more than five (5) operators), motels, offices, outdoor advertising signs and outdoor advertising structures, parking lots, parking garages, places of amusement, printing and engraving establishments, public buildings, public and private clubs, retail businesses, used car lots, wholesale businesses, microbrewery, microdistillery, day care centers, restaurants, retirement and assisted living facilities, and full medical care nursing homes.

3.1(2) Brewpubs (at least 25% of gross building square footage is encompassed as restaurant space and/or tasting room)

3.1(3) Accessory structures.

3.2 Uses Permitted on Appeal.

3.2(1) Warehouses.

3.2(2) Any use complying with the intent of the district not listed in Section 3.1.

3.2(3) Establishments that sell or serve intoxicating beverages other than those listed in Section 3.1.

3.2(4) Drive-in/drive-thru businesses, not to include financial institutions or pharmacies.

3.2(5) Off-site parking lots

3.3 Uses Prohibited.

Uses not specifically permitted.

3.4 Lot Area, Lot Width, Yards and Building Area.

3.4(1) No minimum lot area is required, however, off-street parking and loading/unloading requirements shall be observed.

3.4(2) Lot Width.

The minimum lot width at the building shall be twenty (20) feet.

3.4(3) Yards.

The minimum front yard shall be thirty (30) feet.

No minimum side yard unless the lot is adjacent to a residential district, at which time a ten (10) foot minimum buffer yard.

Rear yards shall be a minimum of twenty-five (25) feet for one story buildings and five (5) feet for each additional story.

A minimum Buffer Yard of twenty-five (25) feet shall be required (Changed by Ord. 07-30.)

3.5 Height.

Buildings hereafter constructed shall not exceed fifty (50) feet in height.

3.6 Location of Accessory Structures.

3.6(1) With the exception of signs, accessory structures shall not be erected in any required front or side yards.

- 3.6(2) Accessory structures shall be located at least ten (10) feet from rear lot lines and five (5) feet from any building on the same lot.

Section 4. (B-4) Central Business District

Intent. To recognize the area of best overall accessibility to all portions of the community, so as to accommodate the widest range of comparison goods stores, specialty shops, business and personal services, or other commercial activities compatible in close grouping and thus suited to shopping by pedestrians.

4.1 Uses Permitted.

- 4.1(1) “Uses Permitted” in B-1, B-2, and B-3 Districts.
- 4.1(2) Places of amusement and assembly, hotels, public garages or other motor vehicle services. Mini-warehouse storage units limited to indoor storage only.
- 4.1(3) Any retail or wholesale business or service.
- 4.1(4) The making of articles to be sold at retail on the premises, provided, however, that any manufacturing shall be restricted to light manufacturing incidental to a retail business or service where the products are sold principally on the premises by the producer to the consumer and where not more than five (5) operatives are employed in such manufacture.
- 4.1(5) Any accessory use or building customarily incidental to the above permitted uses.
- 4.1(6) Apartments, in accordance with Article VII, Subsection 2.1(1).
- 4.1(7) Restaurants.
- 4.1(8) Establishments that sell or serve intoxicating beverages
- 4.1(9) Movie Theaters

4.2 Uses Permitted on Appeal.

- 4.2.1 Drive-in/drive-thru businesses, not to include financial institutions or pharmacies
- 4.2.2 Any other use, except uses allowed in industrial districts.

4.3 Uses Prohibited.

Any use which in the opinion of the Board of Zoning Appeals, would be injurious because of offensive fumes, odors, just or objectionable features hazardous to the community on account of fire, explosion, health or aesthetics even when conducted under adequate safeguards.

4.4 Lot Area, Lot Width, Yards and Building Area.

4.4(1) No minimum lot area is required, however, off-street parking and loading/unloading requirements shall be observed.

4.4(2) Lot Width.

The minimum lot width at the building shall be twenty (20) feet.

4.4(3) Yards.

The minimum front yard shall be ten (10) feet.

No minimum side yard unless the lot is adjacent to a residential district, at which time a twenty-five (25) foot minimum buffer yard shall be required.

Rear yards shall be a minimum of twenty-five (25) feet for one story buildings and five (5) feet for each additional story.

A minimum Buffer Yard of twenty-five (25) feet shall be required
(Changed by Ord. 07-30.)

4.5 Height.

Buildings hereafter constructed shall not exceed seventy (70) feet in height. Buildings that exceed fifty (50) feet in height must do so with the approval of the Planning Commission and follow public notification as prescribed in Article 19 of this Ordinance.

4.6 Location of Accessory Structures.

No restriction