

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 similar amendments to the Zoning Ordinance 86-47 of the City of Spring Hill;

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, 10, 11 and 12.1 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.

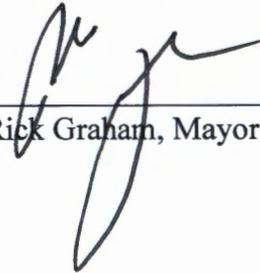
Section 7. That Article XII (Enforcement) Section 1 is amended as attached hereto.

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.

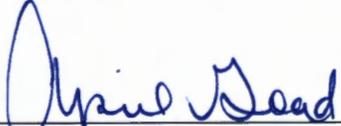
BE IT FURTHER ENACTED, that this Ordinance shall take effect from and after its adoption the public welfare requiring it.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 17th day of August, 2015.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

REQUEST: Ordinance 15-08 – Amendment
SUBMITTED BY: Alderman Jonathan Duda
Alderman Matt Fitterer
DATE: July 24, 2015
SUBJECT: Introduction of Amendment of Ordinance 15-08 (Development Review Process) to incorporate a required Neighborhood Concept Plan



PURPOSE:

The purpose of this amendment is to create a new required **Neighborhood Concept Plan** when a residential property, containing 20 lots or more, is to be subdivided, prior to Preliminary Plat approval.

BACKGROUND AND CURRENT POSTURE OF ORDINANCE 15-08:

Ordinance 15-08, establishing and defining a Development Review Process, was developed in response to the Tennessee Vested Property Rights Act of 2014. Public input was provided throughout the development of the Ordinance, including: 1) a public workshop that was hosted by the City of Saturday, January 31, 2015, 2) direct submission of comments to Staff, and 3) subsequent public meetings of the Planning Commission and Board of Mayor and Aldermen.

The Spring Hill Municipal Planning Commission recommended approval of Ordinance 15-08 with recommended amendments on February 9th, 2015. The Board of Mayor and Aldermen deferred first reading of Ordinance 15-08 on March 16, 2015 and adopted First Reading on April 20, 2015 with additional amendment by a 5-4 vote¹.

Following the approval of the First Reading of the Ordinance, in an effort to find common ground among the board, Alderman Duda and Alderman Fitterer asked Staff to prepare an amendment for consideration by the BOMA that would provide for a required concept plan submittal for major subdivisions.

Having passed First Reading on April 20, 2015, Ordinance 15-08 has been placed on the agenda to be considered for Second Reading in August.

BACKGROUND OF SKETCH PLANS \ SITE PLANS AND SKETCH PLATS IN SPRING HILL:

The Spring Hill Zoning Ordinance currently requires a **Site Plan** to be approved by the Planning Commission prior to the issuance of a Building Permit for a Commercial or Industrial activity.² In addition to a **Site Plan**, the Subdivision Regulations requires a **Sketch Plan** to be approved by the Planning Commission prior to a **Site Plan**.³

¹ [Regular Meeting Minutes of April 20, 2015, Spring Hill Board of Mayor and Aldermen \(Item #2 of Previous Business\);](#)

² "Prior to the issuance of any building permit for a commercial or industrial use or activity, a **site plan** meeting the minimum requirements of this section shall have received the approval of the Planning Commission." Source (**emphasis added**): [Spring Hill Zoning Ordinance, Article IV § 8;](#)

³ "If a proposed subdivision includes land which is zoned for a commercial or industrial purpose, the layout of the subdivision with respect to such land shall make such provisions as the Planning Commission requires in accordance with submittal requirements as outlined in the zoning ordinance. A nonresidential subdivision shall submit a **sketch plan followed by a site plan** to be approved by the Planning Commission." Source (**emphasis added**): [Subdivision Regulations City of Spring Hill, § 5.13.1;](#)

REQUEST: Ordinance 15-08 – Amendment
SUBMITTED BY: Alderman Jonathan Duda
Alderman Matt Fitterer
DATE: July 24, 2015
SUBJECT: Introduction of Amendment of Ordinance 15-08 (Development Review Process) to incorporate a required Neighborhood Concept Plan



Requiring a **Sketch Plan** and a **Site Plan** for development of property prior to receiving a Building Permit is a process that is somewhat unique to Spring Hill and considered by many to be a duplication of resources and effort. Staff and the Planning Commission have recommended that the use of **Sketch Plans** be voluntary.

Separately, for the process of Subdivision of land, the Spring Hill Subdivision Regulations currently require a **Sketch Plat** (a subdivision concept plan) to be approved, prior to consideration of a **Preliminary Plat**.⁴ This has been the source of much confusion in the past at the Planning Commission as the term **Sketch Plan** and **Sketch Plat** are similar, though the function is different.

The purpose of the **Sketch Plat** is to develop a general design for a subdivision on which to base the **Preliminary** and **Final Plat**. They serve an important part of the process for the City as they provide a general concept of the proposed subdivision and how it relates to surrounding development. The intent is to assure the overall development conforms to the City's Comprehensive Plan, thus avoiding having significant revisions in design later in the process. They also provide assurance to the developer that general agreement has been reached when a **Sketch Plat** has been approved and significant investment in time and resources can be made to proceed through preparation of the **Preliminary Plat**, construction, and ultimately **Final Plat** approval.

With passage of the Tennessee Vested Property Rights Act of 2014, a vested property right may be established by the City requiring a **Sketch Plat** approval. Staff and the Planning Commission have expressed concern that vesting of a **Sketch Plat**, which by its nature as a concept plan is not required to show all details demonstrating compliance with all regulations, may not be in the best interests of the City.

HOW OTHER COMMUNITIES USE SKETCH PLAT OR SIMILAR CONCEPT PLANS DURING THE SUBDIVISION PROCESS:

Several communities in Tennessee were researched as to how a concept plan is used in the subdivision process. The following **require** a concept plan or **Sketch Plat** prior to proceeding to **Preliminary Plat** stage during the process of major subdivision of land: Brentwood⁵, Collierville⁶, Columbia⁷, Dickson⁸, Farragut⁹, Gallatin¹⁰, Gatlinburg¹¹ (required for multi-phase subdivisions where a preliminary plat for the entire subdivision has not been prepared), Smyrna¹², and Thompson's Station¹³.

⁴ A Sketch Plat in Spring Hill is Defined as "A generalized concept plan of subdivision offering information in regard to proposed improvements and natural features of the property in question prepared prior to preliminary plat to save time and expense in reaching general agreement as to the form of the plat and the objectives of these regulations" Source: [Subdivision Regulations City of Spring Hill, § 2.2;](#)

⁵ [Subdivision Regulations City of Brentwood, Article 2 § 2.3\(2\)B;](#)

⁶ [Subdivision Regulations Town of Collierville, Article II § D\(2\);](#)

⁷ [Subdivision Regulations City of Columbia, Article 2 § 2-6;](#)

⁸ [Subdivision Regulations City of Dickson, Article II § 2-102;](#)

⁹ [Subdivision Regulations Town of Farragut, Article II § B;](#)

¹⁰ [Subdivision Regulation Gallatin, Chapter 2 § 2-102;](#)

¹¹ [Subdivision Regulations for City of Gatlinburg and Gatlinburg Planning Region, Article II § A\(1\) & A\(5\);](#)

¹² [Subdivision Regulations for Smyrna Article 3 § 3-103;](#)

¹³ [Subdivision Regulations Town of Thompson's Station, Section 2-102;](#)

REQUEST: Ordinance 15-08 – Amendment
SUBMITTED BY: Alderman Jonathan Duda
Alderman Matt Fitterer
DATE: July 24, 2015
SUBJECT: Introduction of Amendment of Ordinance 15-08 (Development Review Process) to incorporate a required Neighborhood Concept Plan



ORDINANCE 15-08 AND THE ELIMINATION OF SKETCH PLATS:

Currently, Ordinance 15-08 as recommended by the Planning Commission and approved on First Reading combines **Sketch Plats** into **Sketch Plans** (which would now include requests for conceptual approval of any type of development, such as a development of an outparcel or a subdivision concept plan) and these applications would be **voluntary and optional, receiving a Three Year vesting period.**

SUMMARY OF THIS AMENDMENT:

Recognizing that a majority of the Board was in agreement that the **Sketch Plan** and **Site Plan** applications are a duplication of effort and processes, we sought to retain the **optional and voluntary** nature of submitting a **Sketch Plan** application.

We also recognize that a **Sketch Plat** for a major subdivision has its merits. Without a **Sketch Plat**, as could be the case if the application were voluntary or optional, development continuity of a subdivision could be negatively impacted, particularly with multiple phased subdivisions¹⁴. Additionally, the orderly development of the most critical of infrastructure needs, such as knowing up front how roads would connect to neighboring property, could be difficult to accommodate through an approach of approval of **Preliminary Plats** in phases.

In seeking to clarify the intent of requiring a concept plan for larger residential subdivisions and to alleviate confusion that has existed with the use of the term **Sketch Plat**, we propose a new **Neighborhood Concept Plan** process that would be required for subdivisions of greater than 20 lots.

As proposed, this amendment would:

- 1) Clarify that **optional and voluntary Sketch Plan** applications are intended for **non-residential** property.
- 2) Define a **Neighborhood Concept Plan** as "a required submittal to the City consisting of a general concept of a proposed subdivision of residential property."
- 3) Provide for a required **Neighborhood Concept Plan** "When a residential property, containing 20 lots or more, is to be subdivided and requires Preliminary Plat approval, the application shall first be processed as a Neighborhood Concept Plan, which shows generally the location of lot lines, streets, and utility infrastructure."
- 4) Provide for distinct Application Requirements for a **Neighborhood Concept Plan**.
- 5) Revert the expiration of a **voluntary** conceptual **Sketch Plan** to **One Year**, while making the required **Neighborhood Concept Plan** expiration **Three Years**, in compliance with the Tennessee Vested Property Rights Act of 2014.
- 6) Establish a Development Review Fee of \$200 for a **Neighborhood Concept Plan**.

¹⁴ Examples where concern of development continuity has been raised in the past by residents of multi-phased subdivisions include: Royalton Woods, Campbell Station, Golf View Estates, Spring Hill Place and Autumn Ridge.

REQUEST: Ordinance 15-08 – Amendment
SUBMITTED BY: Alderman Jonathan Duda
Alderman Matt Fitterer
DATE: July 24, 2015
SUBJECT: Introduction of Amendment of Ordinance 15-08 (Development Review Process) to incorporate a required Neighborhood Concept Plan



In presenting this amendment, we are seeking a compromise solution that would be acceptable to the Board so that the important work of administering regulations that provide for a Development Review Process that is compliant with the Tennessee Vested Property Rights Act of 2014 can continue.

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 **nonresidential** property.

Neighborhood Concept Plan – A required submittal to the City consisting of a general concept of a proposed subdivision of residential 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 **nonresidential** property, he/she may elect to 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
31. 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.

Name, address, phone numbers of owner(s), developer(s), and representatives	X	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	X
Title block located in the lower right hand corner indicating the name and type of project, scale, firm/individual preparing drawing, date, and revisions	X	X	X	X	X	X	X	X
Legend containing all symbols and lines shown in the drawing	X	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	X
The location of all existing structures on the property	X	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	X
Title, name, address, stamp, and signature of the design professional(s) who prepared plans/plats		X	X	X	X	X	X	X

Floodplain/floodways/wetlands	SKP	STP	PPL	FPL	PUD	LSP	CCP	NCP
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	X
Note and delineate wetlands on the property		X	X	X	X	X	X	X
Existing and proposed topographic information with source of information noted		X	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	NCP
Delineate trees to be retained on-site and the measures to be implemented for their protection	X	X	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	NCP
Show, note, and dimension all known existing on- and off-site utilities and easements	X	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 note to this effect shall be added to the plat/plan	X	X	X	X	X	X	X	X

Utilities, proposed	SKP	STP	PPL	FPL	PUD	LSP	CCP	NCP
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		X	X	X	X	X	X	

problems on-site or in the proximity of the site								
If a septic system is to be utilized, provide a table of the acreage and percolation rates	X	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	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	X	
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	X	

Streets/rights-of-way/easements	SKP	STP	PPL	FPL	PUD	LSP	CCP	NCP
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	X
Delineate, label, and dimension from centerline any required ROW dedication	X	X	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	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		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							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	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	NCP
The lot layout, approximate dimensions, and number of lots								X
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	NCP
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, loading areas, and traffic flow	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	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	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	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	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	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:

31. 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 required preliminary development applications shall be three (3) years, beginning on the date of the application, and as listed in Table 1.

- 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.

Table 1:

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; Neighborhood Concept 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	Residential Preliminary Plat; Planned Unit Development;	3 years from date of preliminary approval	2 years	5 years	Recordation of the plat; secure permits; commence site preparation

	Site Plan in the R-4 zoning district				
	Final Plat	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; Nonresidential Preliminary 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 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
Neighborhood Concept Plan	\$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.