

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BE IT FURTHER ENACTED, that all ordinances or parts of ordinances in conflict herewith, be and same hereby, are repealed or modified as the case may be.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



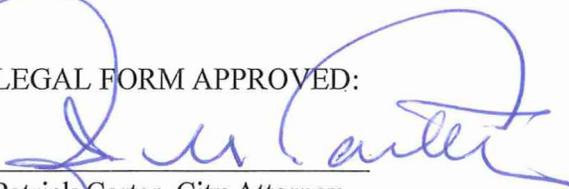
Rick Graham, Mayor

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
- 4.1(10) Drive-in/drive-thru businesses

4.2 Uses Permitted on Appeal.

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

SUBJECT: Ordinance 15-09 (Business District)
DATE: April 20, 2015
ATTENTION: Board of Mayor & Aldermen
DEPARTMENT HEAD: Dara Sanders, City Planner



STAFF MEMORANDUM

Background

During the Board of Mayor and Aldermen Work Session, held on April 6, 2014, staff was asked to evaluate the potential for providing criteria for the Board of Zoning Appeals to consider for uses on appeal.

Recommendation

Staff has researched the regulations of several Tennessee cities for examples of criteria for consideration of uses on appeal, as well as regulations in neighboring states. Based on this research, staff has attached to this memo an updated ordinance to include a new section for uses on appeal in Article XIII (Board of Zoning Appeals) and provided two options for criteria for uses on appeal:

Option 1 includes eight general criteria borrowed from Arkansas.

Option 2 includes nine criteria currently enforced by the City of Nashville. Staff recommends Option 2, finding that it has been determined as legally enforceable in the State of Tennessee and is consistent with the requirements of our region for uses on appeal.