

**ORDINANCE NO 07-30**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE  
CITY OF SPRING HILL, TENNESSEE**

**WHEREAS**, the Board of Mayor and Aldermen for the City of Spring Hill may, pursuant to its charter and general laws of the State of Tennessee, enact and amend zoning ordinance regulations in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community.

**WHEREAS**, it has been determined that a need exists to increase compatibility between commercial or industrial districts adjacent to any residential district, or residential developments of differing densities and/or intensities;

**WHEREAS**, it has been determined that the protection and conservation of the character of residential areas would be best accomplished by the use of Buffer Yards;

**WHEREAS**, the Spring Hill Planning Commission has recommended to the Board of Mayor and Aldermen that the Zoning Ordinance of the City of Spring Hill, Tennessee, be amended as hereafter described;

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

**ARTICLE III DEFINITION OF YARD IS AMMENDED TO  
ADD;**

4. **Buffer Yard** – a unit of open space improved with screening and/or landscaping materials used to increase compatibility between commercial or industrial districts adjacent to any residential district, or residential developments of differing densities and/or intensities which may or may not be greater than the required yard areas for the zoning district.

**ARTICLE VI – SECTION 8 MATERIAL TO BE SUBMITTED FOR REVIEW (P) IS CHANGED TO READ;**

(p) Landscaping Plans, including plans for Buffer Yards, if any.

**ARTICLE VI – SECTION 18 BUFFER YARDS IS CHANGED IN ITS ENTIRITY TO READ;**

**Section 18.        Buffer Yards.**

A buffer yard is a unit of open space improved with screening and/or landscaping materials used to increase compatibility between commercial or industrial districts adjacent to any residential district, or residential developments of differing densities and/or intensities which may or may not be greater than the required yard areas for the zoning district. Within all commercial or industrial districts adjacent to any residential district, buffer yards shall be required to separate certain activities from others in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and buildings or parking areas, to protect the character of residential areas and conserve property values.

**18.1    Minimum Buffer Yard Standards**

The following are considered to be minimum standards for Buffer Yards:

18.1(1)    The buffer yard shall consist of plantings and physical features sufficient to screen direct view, reduce glare and noise, and provide greater privacy for nearby residential uses. The buffer shall be initially installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property from ground level view to a minimum height of eight (8) feet. A landscaping plan detailing the type, substance, design, width, height, opacity, growing period to maturity, time schedule for installation, and responsibility for perpetual maintenance of the buffer yard shall be submitted to and approved by the planning commission.

18.1(2)    The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that, in the opinion of the planning commission, meet the intent and purpose of this section. In instances where significant physical features exist (e.g., railroads, interstate and other major highways, hillsides, preserved wooded areas, etc.) which in the opinion of the planning commission provide adequate buffering between land uses, the existing buffers may be used to meet the landscaping provisions of this section.

- 18.1(3) Fences, walls, and berms may also be utilized in the landscaping plan of the buffer yard.

The width of a required buffer may be reduced by twenty (20) percent if a wall, fence, or berm is provided that meets the following standards:

- a. Any required buffer abutting a park or greenway shall be waived in its entirety, if the property owner dedicated that land to be set aside for the required full buffer width to the city for incorporation into the park or greenway. Such land dedication shall be acceptable to the parks and recreation department.
- b. If fences or walls are used, they shall:
  1. Be a minimum of eight (8) feet high, or alternatively;
  2. Be a minimum of six (6) feet high when used in addition to, and in conjunction with a berm that is at least two (2) feet high;
  3. Be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks, or metal or other materials specifically designed as fencing materials, or any combination thereof, as may be approved by the planning commission;
  4. Have no more than twenty-five (25) percent of the fence surface left open, and the finished side of the fence shall face the abutting property; and
  5. Not create a stockade appearance by the use of solid fencing. Solid fences facing public streets shall have masonry columns located no greater than seventy-five (75) feet on center. Using evergreen vegetative material, or other landscape materials, may also be used to avoid a stockade look.
- c. Berms shall be a minimum of two (2) feet high with a maximum slope of three to one (3:1). Berms in excess of six (6) feet high shall have a maximum slope of four to one (4:1) as measured from the exterior property line.
- d. Berms shall be landscaped and stabilized to prevent erosion.

- 18.1(4) Evergreen plant materials shall be planted in clusters as opposed to a single line in order to maximize chances of survival. Conifers may also be used as appropriate.
- 18.1(5) Buffer yards shall remain in the ownership of the lot owner and shall be adequately maintained by the owner.
- 18.1(6) Accessory parking is permitted within buffer yards outside the minimum required front or side yard area, provided that aisles and stalls are separated from the street right-of-way by a strip of land at least five (5) feet wide with landscaping or fencing sufficient to provide effective visual screening of the parking area.
- 18.1(7) Buffer yards are not to be used for storage of any type.
- 18.1(8) Where practical, pedestrian access shall be provided through the buffer yard.

## 18.2 Alternative Buffering and Screening

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or other sub-surface condition on the site, or the presence of required buffer or screening on adjacent developed property would make strict adherence to the requirements of these standards serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the planning commission may alter the requirements of these standards as long as the existing features of the development site comply with the spirit and intent of these standards. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the planning commission showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The planning commission shall not alter the requirements of these standards unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening.

Existing trees or hedgerows, which are proposed to be used to fulfill buffer requirements, shall be shown on the required site plan. Any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the Planning Commission, such material meets the requirements and achieves the objectives of this section.

## 18.3 Parking area landscaping and screening.

- 18.3(1) All parking and loading areas fronting public streets, sidewalks/walkways, or residential districts or uses shall provide:
- a. A landscaped area at least fifteen (15) feet in depth (as to allow for both trees and shrubs) along the public streets, sidewalks/walkways or residential districts (new or existing).
  - b. Screening at least five (5) feet in height and not less than fifty (50) percent transparent at any time of the year.
  - c. One tree (minimum three (3) inch caliper) for each thirty-five (35) linear feet of parking, loading or residential district frontage.

**ARTICLE IV – SECTION 19 LANDSCAPING REQUIREMENTS IS CHANGED IN ITS ENTIRITY TO READ;**

**Section 19. Landscaping Requirements.**

Within any commercial or industrial district, all sites shall be developed with an area landscaped with trees, green shrubbery, grass, ground cover, vines, or flowers as determined by the Planning Commission based on previously approved site plans. Such landscaped area shall be located on the site to provide the maximum visibility of the landscaping to surrounding properties and public streets.

Materials. All plant materials must meet the minimum standards set by the American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species. Plant materials shall comply with the following standards:

- a. Minimum plant size shall be as specified as follows (for the purpose of determining tree trunk size, the diameter/caliper size shall be measured six (6) inches above ground level):

<u>Plant Type</u>	<u>Minimum Size</u>
Evergreen tree	eight (8) feet in height
Deciduous canopy tree	clear trunk height of four (4) feet above the ground with a three (3) inch caliper
Evergreen or deciduous shrubs	twenty-four (24) – thirty (30) inches in height

- b. Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.
- c. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified above.
- d. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and screening capacity within 4 years.

**ARTICLE VI – SECTION 4.10 BUFFER AND SCREENING IS CHANGED IN ITS ENTIRITY TO READ;**

Article VI Provisions Governing Residential Districts

Section 4 (R-3) Mobile Home Park Zone

4.10 Buffer and Screening.

A landscape Buffer Yard shall be provided along the perimeter of the site boundaries not less than twenty-five (25) feet in width. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

**ARTICLE VI – SECTION 5.4 (1.1) AND (1.2) LOT AREA, LOT WIDTH, AND BUILDING AREA ARE AMMENDED TO ADD;**

Article VI Provisions Governing Residential Districts

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

5.4 (1) Lot Area, Lot Width and Building Area.

5.4 (1.1) For single-family, two family and three-family dwellings:

**Minimum Rear Buffer Yard: 25 feet**

5.4 (1.2) For single multi-family buildings:

**Minimum Rear Buffer Yard: 25 feet**

**ARTICLE VI – SECTION 5.8 (2.1) (B) INFORMATION REQUIRED IS AMMENDED TO ADD;**

Article VI Provisions Governing Residential Districts

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

5.8 (2) Preliminary Site Development Plan.

5.8 (2.1) Information Required.

(b) - **The location, dimension and area of buffer yards**

**ARTICLE VI – SECTION 5.8 (3.1) (B) INFORMATION REQUIRED IS AMMENDED TO INSERT;**

Article VI Provisions Governing Residential Districts

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

5.8 (3) Final Site Development Plan.

5.8 (3.1) Information Required.

(9) Proposed ground coverage, floor area, and building heights.

(10) **The location, dimension and area of buffer yards.**

(11) Position of fences and walls (materials specified).

(12) ...

**ARTICLE VI – SECTION 6.4 (1) LOT AREA, LOT WIDTH, AND BUILDING AREA IS AMMENDED TO ADD;**

Article VI Provisions Governing Residential Districts

Section 6 (R-5 Residential District (Apartments))

6.4 (1) Lot Area, Lot Width and Building Area.

**Minimum Rear Buffer Yard: 25 feet**

**ARTICLE VII – SECTION 1.4 (3) YARDS IS AMMENDED TO READ;**

Article VII Provisions Governing Business Districts

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

1.4 (3) Yards.

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

**ARTICLE VII – SECTION 1.4 (3) YARDS IS AMMENDED TO ADD;**

Article VII Provisions Governing Business Districts

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

1.4 (3) Yards.

**A minimum Buffer Yard of twenty-five (25) feet shall be required**

**ARTICLE VII – SECTION 2.4 (3) YARDS IS AMMENDED TO READ;**

Article VII Provisions Governing Business Districts

Section 2 (B-2) Neighborhood Shopping District

2.4 (3) Yards.

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

**ARTICLE VII – SECTION 2.4 (3) YARDS IS AMMENDED TO ADD;**

Article VII Provisions Governing Business Districts

Section 2 (B-2) Neighborhood Shopping District

2.4 (3) Yards.

**A minimum Buffer Yard of twenty-five (25) feet shall be required**

**ARTICLE VII – SECTION 3.4 LOT AREA, LOT WIDTH, YARDS AND BUILDING AREA. IS CHANGED IN ITS ENTIRITY TO READ;**

Article VII Provisions Governing Business Districts

Section 3 (B-3) Intermediate Business District

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 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**

**ARTICLE VII – SECTION 4.4 LOT AREA, LOT WIDTH, YARDS AND BUILDING AREA IS CHANGED IN ITS ENTIRETY TO READ;**

**Article VII Provisions Governing Business Districts**

**Section 4 (B-4) Central Business District**

**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

**ARTICLE VIII – SECTION 1.4 LOT AREA, LOT WIDTH, YARDS AND BUILDING AREA IS CHANGED IN ITS ENTIRITY TO READ;**

Article VIII Provisions Governing Industrial Districts

Section 1 (M- 1) Industrial District (Light).

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

1.4(1) Lot Area.

The minimum lot area shall be ten thousand (10,000) square feet.

1.4(2) Lot Width.

The minimum lot width at the building shall be fifty (50) feet.

1.4(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 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

**ARTICLE VIII – SECTION 2.3 LOT AREA, LOT WIDTH, YARDS AND BUILDING AREA IS CHANGED IN ITS ENTIRITY TO READ;**

Article VIII Provisions Governing Industrial Districts

Section 2 (M-2) Industrial District (Heavy).

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

**2.3(1) Lot Area.**

**The minimum lot area shall be ten thousand (10,000) square feet.**

**2.3(2) Lot Width.**

**The minimum lot width at the building shall be fifty (50) feet.**

**2.3(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 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**

**ARTICLE VIII – SECTION 3.5 LOT AREA, LOT WIDTH, YARDS AND BUILDING AREA IS AMMENDED TO ADD;**

Article VIII Provisions Governing Industrial Districts

Section 3 (M-3) Industrial District (Special)

3.5 Area, Lot Width, Yards and Building Area.

**A minimum Buffer Yard of twenty-five (25) feet shall be required**

**ARTICLE X – SECTION 2.3 (2.1) PLAN DRAWINGS SUFFICIENT TO DISCLOSE IS AMMENDED TO INSERT;**

Article X Provisions Governing Planned Unit Development Districts

Section 2 Administrative Procedures Governing Planned Unit Developments.

2.3 (2) Content of Preliminary Approval.

2.3 (2.1) Plan drawings sufficient to disclose:

- (e) Reservations for public uses, loading, schools, parks, and other open spaces.
- (f) **The location, dimension and area of buffer yards, if any.**
- (g) Other major landscaping features, and
- (h) ...

**ARTICLE X – SECTION 2.4 (3.1) FINAL DEVELOPMENT PLAN DRAWINGS AT A SCALE NO SMALLER THAN 1" = 200', INDICATING: IS AMMENDED TO INSERT;**

Article X Provisions Governing Planned Unit Development Districts

Section 2 Administrative Procedures Governing Planned Unit Developments.

2.4 (3) Final Master Development Plan of a Planned Unit Development.

2.4 (3.1) Final development plan drawings at a scale no smaller than 1" = 200', indicating:

- (f) A plot plan for each building site and common open area, showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.
- (g) **The location, dimension and area of buffer yards, if any.**

- (h) A plan for proposed utilities, including sewers (both sanitary and storm), gas lines, water lines, fire hydrants and electric lines showing proposed connections to existing utility systems.

**ARTICLE X – SECTION 4.6 (1.1) MINIMUM YARD REQUIREMENTS. IS CHANGED IN ITS ENTIRITY TO READ;**

Article X Provisions Governing Planned Unit Development Districts

Section 4 Commercial Planned Unit Department.

4.6 (1) Provisions Applicable to Commercial Planned Unit Development--Convenience.

4.6 (1.1) Minimum Yard Requirements.

A front yard twenty (20) feet in depth shall be provided, and where the lot adjoins a street on more than one side, a yard twenty (20) feet in depth shall be provided adjacent to all streets. Side yards shall be ten (10) feet in width adjacent to residential lots; but where the side of the lot is adjacent to a lot on which another convenience establishment is located, or is being constructed, or is definitely to be constructed, no side yard need be provided if the structures involved are to have a common or party wall, or are to have no space between walls of adjacent structures housing convenience establishments or their accessory uses. Rear yards shall be twenty-five (25) feet in depth and a minimum Buffer Yard of twenty-five (25) feet shall be required.

**ARTICLE X – SECTION 4.6 (1.2) LANDSCAPING REQUIREMENTS; BUFFERING; CONTROL OF APPEARANCE. IS CHANGED IN ITS ENTIRITY TO READ;**

Article X Provisions Governing Planned Unit Development Districts

Section 4 Commercial Planned Unit Department.

4.6 (1) Provisions Applicable to Commercial Planned Unit Development--Convenience.

4.6 (1.2) Landscaping Requirements; Buffering; Control of Appearance.

A landscape Buffer Yard shall be provided along lots which adjoin lots of residential use, not less than twenty-five (25) feet in width. No landscaping adjacent to a street shall be of a nature which impairs visibility of or from pedestrians.

Where the site plan indicates adverse effects of parking or other characteristics of a use on the lot on which the convenience facilities are to be located a Buffer yard shall be required to be erected and maintained in such manner as to eliminate such effects or reduce them to an acceptable level. Such buffering shall at a minimum prevent lights from automobiles parked or maneuvering incidental to parking from shining across adjacent residential property below a height of five (5) feet at the residential lot line, or from shining into any residential windows if there is to be parking on the premises after dark.

**ARTICLE X – SECTION 4.7 (3) LANDSCAPING WITHIN PARKING AREAS. IS IS AMMENDED TO ADD;**

Article X Provisions Governing Planned Unit Development Districts

Section 4 Commercial Planned Unit Department.

4.7 (3) Landscaping Within Parking Areas.

**All parking and loading areas fronting public streets, sidewalks/walkways, or residential districts or uses shall provide:**

- a. A landscaped area at least fifteen (15) feet in depth (as to allow for both trees and shrubs) along the public streets, sidewalks/walkways or residential districts (new or existing).**

b. Screening at least five (5) feet in height and not less than fifty (50) percent transparent at any time of the year.

c. One tree (minimum three (3) inch caliper) for each thirty-five (35) linear feet of parking, loading or residential district frontage.

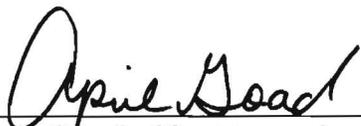
**BE IT FURTHER ENACTED**, that all ordinances or parts of ordinances in conflict herewith, be and the same hereby, are repealed or modified as the case may be.

**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 this the 20th day of August, 2007.**

  
Danny M. Leverette, Mayor

ATTEST:

  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
Tim Underwood, City Attorney

Passed on 1<sup>st</sup> Reading \_\_\_\_\_  
Passed on 2<sup>nd</sup> Reading \_\_\_\_\_