

ORDINANCE NO. 97-19

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF SPRING HILL, TENNESSEE
TO ALLOW FOR CLUSTER DEVELOPMENT
AND SET STANDARDS AND LEGAL REQUIREMENTS

Whereas, the Spring Hill Planning Commission has recommended to the Board of Mayor and Aldermen that the "Zoning Ordinance of Spring Hill, Tennessee", be amended as hereinafter described; and

Whereas, the Board of Mayor and Aldermen has reviewed such recommendation and conducted a public hearing therein,

Whereas, the text of this Ordinance No. 97-19 was passed on first reading on October 20, 1997, but was passed as part of the text of Ordinance No. 97-17, the differing subject matter required a separation of original Ordinance No. 97-17 into two separate ordinances, No. 97-17 and No. 97-19,

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF SPRING HILL, TENNESSEE, that the Spring Hill Municipal Zoning Ordinance, Ordinance No. 74-2, as the same have been previously amended, are hereby further amended by the following addition:

Adding the following text to ARTICLE VI PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 3. R-2 residential (Medium Density). Subsection 3.2 Uses Permitted on Appeal:

3.2(3) Cluster Residential Development (Subdivided).

Intent. To permit flexibility for creative design and to achieve superior scenic quality and recreational opportunity close to home by providing for phase(s) of residential subdivisions for single-family dwellings which incorporate permanent local open space accessible to all residential lots on-going residential subdivision.

How it Works. Instead of the conventional subdivision procedure which results in homes more or less evenly spaced throughout the site, these provisions allow individual lot and yard requirements to be reduced to permit closer grouping or "clustering" of homes on a portion of an on-going residential subdivision. Developers, however, cannot construct more dwelling units on the site than the zoning minimum lot size requirements call for, but can reduce lot sizes if the land thus saved is put into permanent open space, which is deeded to a homeowners association.

Plat Approval Procedure. Proposals for cluster residential development shall be prepared and reviewed in accordance with ARTICLE II PROCEDURES FOR PLAT APPROVAL and ARTICLE V SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED of the Spring Hill Subdivision Regulations. All infrastructure, roadway, drainage, and other designs shall be in accordance with ARTICLE IV REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN of the Spring Hill Subdivision Regulations.

Development Requirements. This section shall apply to single-family residential dwellings only.

Maximum Density. The average number of dwelling units per acre of buildable land (not including land for street right-of-way) shall not exceed eighteen (18). Maximum buildable acreage shall consist of seventy-five percent (75%) of the total residentially-zoned acreage available with at least twenty-five percent (25%) left in open space. The minimum lot size, width, or other yard requirements for the R-2 district shall not apply.

Structure Location Requirements.

Minimum distance between structures and street right-of-way line..... 20 Feet

Minimum spacing between structures..... 10 Feet

Minimum spacing between structures and rear lot lines..... 30 Feet

Parking Requirements.

- (a) As regulated in ARTICLE IV, Section 5.5.
- (b) One (1) parking space per every (2) lots in the cluster development shall also be required. The required additional parking spaces shall be grouped in off-site, off-street parking areas. The maximum number of parking spaces allowed for these parking areas shall be six (6) spaces per area. The location of these parking areas shall be determined by the developer and the planning commission at the conceptual phase.

Subdivision Open Space Requirements.

- (a) Minimum Local Open Space Requirements.

Plats proposed for approval under the provisions of this section shall include local open space tracts of size, location, shape and topography which will meet the intent of this section and the Spring Hill Subdivision Regulations. The minimum amount of local open space to be allocated shall not be less than the aggregate amount by which building lots are reduced from regular minimum lot size requirements.

(b) Permitted Local Open Space Uses

- (1) Private recreational facilities, such as golf courses or swimming pools, which are limited to the use of the owners or occupants of the lots located within the subdivision.
- (2) Historical building sites or historical sites, parks and parkway areas, extensive areas with tree cover, low land along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation.

(c) Legal Requirements for Operation and Maintenance

- (1) The legal framework for a homeowner's association consisting of articles of incorporation and by-laws which guarantee as a minimum:
 - That the homeowner's association will be responsible for liability insurance, local taxes, and maintenance of recreational or other facilities pertaining to the local open space.
 - That when more than fifty (50) percent of the lots within the subdivision are sold, there shall be a special meeting of the homeowner's association within sixty (60) days.
- (2) Deeds to individual lots within the subdivision, which shall convey mandatory membership in the homeowner's association, and include as a minimum the following provisions:
 - Responsibility for paying a pro rata share of the cost of the homeowner's association operation.
 - Agreement that the assessment levied by the association can become a lien on the property if not paid.
 - Agreement that the association shall be able to adjust the assessment to meet changed needs.
 - Guarantee of permanent unrestricted right to utilize lands and facilities owned by the association.

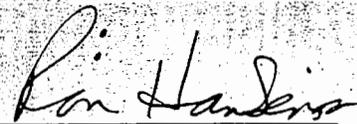
Section 3 Changing the following text in ARTICLE VI PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 5. R-4 Residential (High Density), Subsection 5.1(2) to read as follows:

Group housing, including apartments, in accordance with Subsection 5.8 of this Article.

Section 4 Deleting in its entirety ARTICLE VI PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 5. R-4 Residential (High Density), Subsection 5.9 Cluster Residential Development (Subdivided).

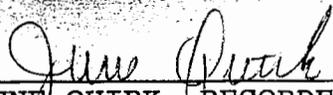
This ordinance is passed and adopted on the recommendation of the Spring Hill Regional Planning Commission made at its regular meeting of September 8, 1997, after a public hearing before the Board of Mayor and Aldermen on November 17, 1997, and after due publication in the Columbia Daily Herald on 10-26-97 and the Franklin Review Appeal on 10-31-97 and Car Country News on _____.

Passed and adopted by the Board of Mayor and Aldermen of the Town of Spring Hill, Tennessee on the 17th day of November, 1997.

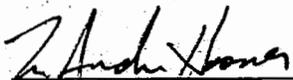


RON HANKINS, MAYOR

ATTEST:


JUNE QUIRK, RECORDER

LEGAL FORM APPROVED:


ANDREW HOOVER, ATTORNEY

Passed on 1st Reading October 20, 1997

Passed on 2nd Reading November 17, 1997