

**RESOLUTION 18-119**

**A RESOLUTION OF THE BOARD OF MAYOR AND ALDERMAN OF THE CITY OF SPRING HILL, TENNESSEE ADOPTING ARTICLE 18, DESIGN REVIEW, OF THE UNIFIED DEVELOPMENT CODE**

**WHEREAS**, the City of Spring Hill values and encourages proper design in the construction of multi-family and commercial uses for the purpose of improving the quality of development and preserving property values; and,

**WHEREAS**, pursuant to Tennessee Code Annotated, § 6-54-133, the Board of Mayor and Aldermen of the City of Spring Hill adopted Resolution 11-61, a resolution establishing a Design Review Commission and appointing the Planning Commission as members for such purpose; and

**WHEREAS**, the Planning Commission, serving as the Design Review Commission, as allowed under the terms of Resolution 11-61, approved Resolution 18-01 adopting Article 18, Design Review, of the Unified Development Code and forwarding a recommendation for adoption to the Board of Mayor and Aldermen; and,

**WHEREAS**, the Board of Mayor and Aldermen concurs the adoption of Article 18, Design Review, Unified Development Code will provide desirable design standards to improve the quality of development.

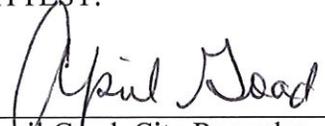
**NOW, THEREFORE BE IT RESOLVED**, by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, that consistent with the creation of the Design Review Commission by resolution and to support the purpose of the Design Review Commission, that Resolution 18-119 is hereby adopted accepting Article 18 into and as a part of the Unified Development Code.

**BE IT FURTHER RESOLVED**, this resolution shall take effect from and immediately after its passage, the public welfare requiring it.

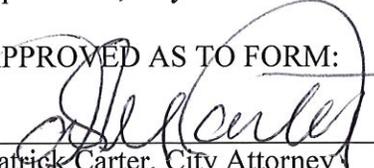
Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20th day of August, 2018.

  
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Rick Graham, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Patrick Carter, City Attorney

**MEMORANDUM**



**DATE:** August 20, 2018  
**TO:** Board of Mayor and Aldermen (BOMA)  
**FROM:** Steve Foote, Planning Director  
**SUBJECT:** ORD 18-21 (Unified Development Code, Article 1-14, 19 and the Official Zoning Map)  
Resolution 18-119 (Article 18 – Design Review)

**BACKGROUND:** In 2016 the City of Spring Hill selected the firm of Camiros to prepare a new Unified Development Code for the city consisting of a new zoning ordinance, subdivision regulations, and related site development regulations. This information has been prepared by the consultant through a series of meetings with the Zoning Advisory Committee, staff, and public workshops where comments were accepted. The information gathered from all of these sources was reviewed by the Planning Commission during a Special Called Work Session on April 30, 2018.

The Planning Commission voted, on May 14, 2018, to approve Resolution 18-45, forwarding a recommendation of approval for Articles 1-14, 19 and the Official Zoning Map, to the Board of Mayor and Aldermen. In the same meeting the Planning Commission also adopted the Subdivision Regulations, Articles 15-17 (Resolution 18-44). In a special called meeting of the Planning Commission, acting as the Design Review Commission, on May 29, 2018, the Commission repealed and rescinded the Design Guidelines adopted by Resolution 13-01, adopted Article 18, Design Review, by Resolution 18-01, and forwarded a recommendation for approval to the BOMA for consideration of Article 18.

The Board of Mayor and Aldermen reviewed the Unified Development Code documents and map during the July 2, 2018 work session and again in a special called work session on July 12, 2018. On July 16, 2018 the BOMA voted 9-0 to adopt the Unified Development Code (Articles 1-15, 19 and the Official Zoning Map) on first reading. The vote included an amendment by Alderman Fitterer to:

- 1. Modify Table 4-1 as it applies to the lot size and width for townhomes.
- 2. Eliminate 8.3 L.5 which restricted the use of asphalt shingles to architectural type for single family homes.
- 3. Modify the zoning map to include the Wilkerson Place PUD.

The three above modifications and other requests made by the BOMA on August 6th have been incorporated into the UDC draft and Official Zoning Map that has been provided to the Board of Mayor and Alderman for consideration on 2<sup>nd</sup> and final reading. The new final draft is dated August 20, 2018.

**HISTORY:** The following list highlights events that have occurred during this process.

Contract approved	May 23, 2016
Any kickoff event	October 25, 2016
Consultant evaluation – Technical Review & Approaches Report	March 14, 2017
Initial review with Zoning Advisory Committee	October 10 & 19, 2017
1 <sup>st</sup> Public Draft of UDC posted to website	January 2018
Open House Events held for Public Information	February 8-10, 2018
Second review with Zoning Advisory Committee	Feb. 28 & March 1, 2018
Redline Draft posted to the website	April 23, 2018
Special Called Planning Commission UDC meeting	April 30, 2018

2nd Public Draft of UDC posted to website	May 8, 2018
Planning Commission approved Subdivision Regulations	May 14, 2018
Planning Commission recommends approval of Articles 14, 19, Official Zoning Map	May 14, 2018
Planning Commission approved and recommended approval of Article 18	May 29, 2018

**DESCRIPTION:** The attached draft of the Unified Development Code is dated August 20, 2018 and includes all requested edits from the Board of Mayor and Alderman. Throughout the process Camiros has accepted and incorporated input provided by the Planning Commission, Zoning Advisory Committee, staff, and the public through a series of public workshops and public meetings.

An Ordinance has been prepared for the adoption of Articles 1-14, 19 and the Official Zoning Map. In keeping with the Planning Commission’s adoption of Article 18, acting as the Design Review Commission of the City of Spring Hill, by Resolution 18-01 and the creation of the Design Review Commission by the BOMA via Resolution, the adoption of Article 18 is proposed by resolution to the Board of Mayor and Aldermen. Articles 15, 16, and 17 are under the sole purview of the Planning Commission. A Resolution has been prepared for the adoption of Article 18.

Once adopted, the published Unified Development Code will include all Articles adopted by the Board of Mayor and Aldermen and the Subdivision Regulations as adopted by the Planning Commission.

To summarize, information included in this package for BOMA consideration is:

1. Ordinance No. 18-21 to adopt the final draft of the Unified Development Code dated August 20, 2018 and the Official Zoning Map as amended.
2. Final Draft of the Unified Development Code, dated August 20, 2018.
3. Official Zoning Map, dated August 2, 2018.
4. Resolution 18-119 to adopt the Article 18, Design Guidelines.
5. Article 18, Design Guidelines.

**RECOMMENDATION:** Staff recommends approval of Ordinance #18-21 to adopt the Final Draft of the Unified Development Code and Official Zoning Map for the City of Spring Hill and Resolution #18-119 to adopt Article 18, Design Guidelines.

## *Article 18 - Design Review*

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## ARTICLE 18. DESIGN REVIEW

- 18.1 PURPOSE AND INTENT
- 18.2 BASIS FOR DESIGN REVIEW
- 18.3 APPLICABILITY
- 18.4 APPLICATION AND CONSIDERATION FOR DESIGN REVIEW
- 18.5 MODIFICATIONS
- 18.6 APPEALS

**THIS ENTIRE ARTICLE IS NEW TO THE MAY 2018 DRAFT**

### 18.1 PURPOSE AND INTENT

The intent of incorporating design guidelines is not to limit growth or development within the City of Spring Hill or to restrict creative design solutions, but to encourage development that reinforces the vision of Spring Hill as a quality place to live, work, and raise a family while maintaining its uniqueness and an authentic sense of place. Implementation of design review guidelines serves the following general purposes:

- A. Educate property owners, designers, developers, the public, and plan reviewers on what is expected and desired for all non-residential property, multi-family residential properties, and any entrance to a non-residential development throughout the City of Spring Hill.
- B. Improve the overall quality of commercial and multi-family residential developments in Spring Hill.
- C. Ensure the compatibility of new and revitalized developments with surrounding land uses.
- D. Enhance pedestrian safety and walkability.
- E. Present clear principles and priorities for achieving this vision.
- F. Provide an objective and fair basis for reviewing projects whether administratively by staff or by the Design Review Commission.

### 18.2 BASIS FOR DESIGN REVIEW

- A. Tennessee Code Annotated § 6-54-133 authorizes a municipality to create a Design Review Commission and develop general guidelines for the exterior appearance of non-residential property, multi-family residential properties, and any entrance to a non-residential development within the municipality.
- B. Pursuant to Tennessee Code Annotated § 6-54-133, the Board of Mayor and Aldermen of the City of Spring Hill adopted Resolution 11-61, a resolution establishing a Design Review Commission.
- C. As of the effective date of this Code, the City has previously designated the Planning Commission as the Design Review Commission.

### 18.3 APPLICABILITY

The Design Review Commission is charged with adopting, administering, and amending the following design standards:

- A. Section 5.4 - Design Standards
- B. Section 6.4 - Design Standards
- C. Section 5.5.C – Design Standards
- D. Section 5.6.B – Design Standards
- E. Section 7.1.D - Design Standards
- F. Section 7.3.D - Design Standards

- G. Section 8.3.K - Dwelling - Multi-Family or Townhouse (design standards only as indicated)
- H. Section 8.3.M - Dwelling - Two-Family or Three-Family (design standards only as indicated)

#### 18.4 APPLICATION AND CONSIDERATION FOR DESIGN REVIEW

##### A. Submittals

Prior to application for a building permit, all non-residential properties, multi-family residential, and any entrances to residential or non-residential development will be submitted to the Design Review Commission, along with plans, elevations, and landscape plans. A preliminary submittal prior to completion of detailed plans and specifications is recommended but not mandatory.

##### B. Consideration

1. Within 30 days after an application has been submitted to the Design Review Commission, the City staff will examine the application and forward it to the members of the Commission for examination and determination of whether the proposed structure conforms to the design standards and is conducive to the architectural development of the City as stated in the intent and purpose section of this Article.
2. At the meeting, the Design Review Commission will examine the plans, elevations, landscape plans, and any other specifications or evidence that may be pertinent or requested. The Chairman of the Design Review Commission may request the applicant or his/her representative appear at the meeting.
3. The Design Commission will act as expeditiously as practicable and in no event will any applicant be caused unreasonable delay.

##### C. Approval or Disapproval

1. At the meeting or any meeting within 15 days later, the Design Review Commission will approve the application if, in its opinion, the proposed development conforms to the design standards and is conducive to the architectural development of the City as stated in the intent and purpose section of this Article.
2. The Design Review Commission will deny and return the application if it determines that the proposed development is unsuitable in appearance or detrimental to the environment of the community. However, the Design Review Commission may make comments and recommendations to inform the applicant, the building official, the Planning Commission, and the Board of Mayor and Aldermen as to why the proposal is unsuitable and what might be done to help bring it into conformance.
3. The important consideration in the decision of whether a proposed project conforms to the design standards is how the project will be seen from adjacent public streets and bordering sites. Structures that are not visible from surrounding locations may be allowed to be more of a departure from these guidelines due to their context than those which are highly visible.
4. If the Design Review Commission approves the application, the City staff may submit the plans to the building official for issuance of the building permit. If the Design Review Commission returns the application with its disapproval and recommendations, the City staff will not submit the project for a building permit until such time that changes have been made and resubmitted in such form that, in the opinion of City staff, is in conformity with the approval of the Design Review Commission.

#### 18.5 MODIFICATIONS

- A. The Design Review Commission has sole discretion to grant modifications from the design standards in this Code provided that, in the opinion of the Design Review Commission, the intent and purpose section of this Article has been met.
- B. The Design Review Commission may modify or entirely waive any design standard in this Code to encourage the implementation of alternative or innovative practices that implement the intent of the modified standard(s) and provide equivalent public benefits without significant adverse impacts on surrounding development.

C. In granting a modification or waiver, the Design Review Commission may require conditions that will substantially secure the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

#### **18.6 APPEALS**

Pursuant to Tennessee Code Annotated § 6-54-133, any property owner affected by the guidelines may appeal a decision of the Design Review Commission to the Planning Commission or, if the Board of Mayor and Aldermen has designated the Planning Commission as the Design Review Commission, the Board of Mayor and Aldermen. In the event of an approval of an appeal of the Design Review Commission, the project may be submitted to the building official for issuance of the building permit.