

**KINGSTON SPRINGS PLANNING COMMISSION AGENDA**  
**MAY 14, 2015**  
**7:00 P.M. A. BECK MEETING HALL**

**1. Call to Order:**

The meeting was called to order by \_\_\_\_\_ at \_\_\_\_\_ p.m.

**A. Roll Call of Voting Members:**

Donna Boggs \_\_\_\_\_ Tony Campbell \_\_\_\_\_ Gary Corlew \_\_\_\_\_

Hillary Craig \_\_\_\_\_ Tom Cullen \_\_\_\_\_ Tony Gross \_\_\_\_\_

Carolyn Hall \_\_\_\_\_ Mike Patenaude \_\_\_\_\_ Chuck Sleighter \_\_\_\_\_

**B. Non-Voting Staff:**

Mike McClanahan \_\_\_\_\_ Larry Craig \_\_\_\_\_ David Risner \_\_\_\_\_ Mary Vavra \_\_\_\_\_

**C. Declaration of Quorum by Chair.**

**2. Approval of Minutes:**

Minutes of the March 12, 2015 meeting have been circulated.

Corrections \_\_\_\_\_

Motion to approve \_\_\_\_\_ Second \_\_\_\_\_

**A. Confirmation of the Agenda.**

Corrections \_\_\_\_\_

Motion to approve \_\_\_\_\_ Second \_\_\_\_\_

**SUBMITTAL DEADLINE DATE: APRIL 2, 2015**

**3. Plat Revision to 188 Harpeth Hills Drive.**

4. Discussion of a Proposed Indian Pointe Condo Development at 141 West Kingston Springs Road.
5. Discussion and Vote as to whether or not to Recommend to Board of Commissioners, Text Amendment to Article VII of Zoning Ordinance, Pertaining to Outright Permitted Uses in C-2 and I-1 Zoning Districts.
6. Discussion and Vote as to whether or not to recommend to Board of Commissioners, Text Amendment to Article VII of Zoning Ordinance, Ordinance 15-003, Sections 7.010 through 7.090 for Correction Purposes and Changes Due to State Law Amendments.
7. Discussion for Future Drafting and Recommendation to Board of Commissioners, Article IV of Zoning Ordinance, Off-Street Parking Requirements, Adding a New Subsection "G" to 4.015.
8. Other (For Discussion Only):
9. Adjourn:

The meeting was adjourned at \_\_\_\_\_ p.m. by \_\_\_\_\_.



## **PLANNING COMMISSION MEETING MINUTES**

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**MAY 14, 2015**

### **1. Call to Order:**

Vice Chair Mike Patenaude called the meeting to order at 7:01 p.m.

#### **A. Roll Call of Voting Members**

|                            |         |
|----------------------------|---------|
| Donna Boggs, Member        |         |
| Tony Campbell, Member      | Present |
| Gary Corlew, Member        | Present |
| Hillary Craig, Member      |         |
| Tom Cullen, Member         | Present |
| Tony Gross, Mayor          | Present |
| Carolyn Hall, Chair        |         |
| Mike Patenaude, Vice Chair | Present |
| Chuck Sleighter, Secretary | Present |

#### **B. Non-Voting Staff**

|   |         |
|---|---------|
| Mike McClanahan, Assistant City Manager | Present |
| Larry Craig, City Attorney              | Present |
| Mary Varva, City Planner                | Present |
| Bob Stohler, Vice Mayor                 | Present |
| Glenn Remick, City Commissioner         | Present |

#### **C. Declaration of Quorum by Chair**

### **2. Approval of Minutes**

A motion to approve the minutes of the March 12, 2015 meeting was made by Member Campbell. Member Sleighter seconded the motion, which carried unanimously.

#### **A. Confirmation of the Agenda**

A motion to approve the agenda was made by Member Cullen. The motion was seconded by Secretary Sleighter, and carried unanimously.

### **3. Plat Revision to 188 Harpeth Hills Drive**

An amendment to an existing plat was presented. The amendment featured a relocation of a lot line and relocation of a fire hydrant. Planner Varva presented her comments:



## **PLANNING COMMISSION MEETING MINUTES**

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- A finalized plat should be signed by the surveyor.
- Installation of 1 fire hydrant (as shown) meets the Town's requirements.

Surveyor Brian McCain discussed the proposal, mentioning; the existence of a drainage easement across both properties, the adjustments the property owners made for an adjacent property owner and his garage access, and the replacement of a fire hydrant on site.

Member Campbell asked if adjacent property owner was satisfied with the new access to his garage.

A motion was made by Member Campbell to approve the plat revision contingent upon payment for pass-through billing for planning services. Secretary Sleighter seconded the motion, which passed unanimously.

### **4. Discussion of a proposed Indian Pointe condo development at 141 W. Kingston Springs Road.**

Carl Francis explained that he hoped to create a senior living development close to the Ashley Place condos in Ashland City. He said the street would be private and that the HOA fees would cover everything from outside of the studs. HOA fees would be set between \$135 and \$185 monthly.

Member Cullen asked about parking requirements, location of parking spots, and visitor parking.

Planner Varva noted that grading would be an issue. She also mentioned that the entryway may need to have public access.

Attorey Craig mentioned that a subdivision must have a public entryway. He also mentioned that the property is currently attached to Bluffs of the Harpeth subdivision and that the property would need to have amended HOA covenants and recorded differently.



## **PLANNING COMMISSION MEETING MINUTES**

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**5. Discussion and vote as to whether or not to recommend to Board of Commissioner. Text Amendment to Article VII of Zoning Ordinance, pertaining to outright permitted uses in C-2 and I-1 zoning districts.**

Member Campbell made a motion to recommend the text amendment to the Board of Commissioners. Member Gross seconded the motion and it carried unanimously.

**6. Discussion and vote as to whether or not to recommend to Board of Commissioners text amendment to Article VII of Zoning Ordinance, Ordinance 15-003, Sections 7.010 through 7.090 for correction purposes and change due to State Law Amendments.**

Planner Varva explained the text actually includes 7.090.3, and that the latest version had been included in meeting packets.

Vice-Chair Patenaude asked if the changes would bring the Town's zoning ordinance into compliance with State law.

Member Campbell made a motion to recommend the text amendment to the Board of Commissioners. Member Gross seconded the motion and it carried unanimously.

**7. Discussion for future drafting and recommendation to Board of Commissioners, Article IV of Zoning Ordinance, Off-street parking requirements, adding a new subsection 'G' to 4.015.**

Member Cullen noted that Kingston Springs has is topographically unique and that it may be unnecessary to include biking language.

Member Gross asked if the language would count 4-1 reduction of spaces for motorcycle parking.

Member Campbell asked if the language requiring a standard 10' width for parking spaces would be changed.

Staff received unanimous feedback from the Planning Commission to pursue the new formalized parking language.



## **PLANNING COMMISSION MEETING MINUTES**

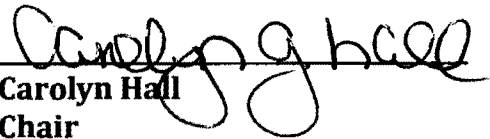
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### **8. Other Items**

- A. City Attorney Craig led recommended that the City Commission include money for planning services for redrafting of the Town's sub-regs in the FY16 budget.

### **9. Adjournment**

The meeting was adjourned at 7:49 p.m.

  
Carolyn Hall  
Chair

  
Debbie Finch  
City Recorder

## Doris Neil

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**From:** Hill [hillary.craig@yahoo.com]  
**Sent:** Thursday, May 14, 2015 2:09 PM  
**To:** Doris Neil  
**Subject:** Re: Planning Commission meeting

Doris I will not be able to make it tonight. I have missed so many lately because of my children's activities I think I need to step down from the commission. What do I need to do to do that?

Thanks,  
Hillary

Sent from my iPhone

On May 8, 2015, at 8:57 AM, Doris Neil <[DNeil@KingstonSprings-TN.gov](mailto:DNeil@KingstonSprings-TN.gov)> wrote:

Please email or call (615-952-2110 x-10) if you can't attend the Planning Commission meeting Thursday 05/14/2015 @ 7:00 pm.  
Thanks, Doris

**Debbie Finch**

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**From:** Larry Craig <larry.craig@305lawoffice.com>  
**Sent:** Friday, May 15, 2015 9:00 AM  
**To:** Mike McClanahan; Debbie Finch  
**Subject:** BOC Meeting Next Thursday

Just a follow-up from the KSMRPC meeting last evening. Will next the Ordinance Number for Item 5 as on PC Agenda, recommended to BOC; and next Ordinance Number for Item 7 also recommended to BOC.

Julie will scan the two ordinances for first reading to both of you which will be on next Thursday's agenda for first reading, 15-003 and 15-\_\_\_\_\_.

The Item 7 from planning will be drafted for the next planning commission meeting (recommendation) which should be in July. There were no submittals yesterday and as such, no meeting in June. An email to planning commission members should be sent out that there is no June meeting.

Let me know if there are any questions.

**Larry D. Craig**  
**Attorney at Law**  
**305 14th Avenue North**  
**Nashville, TN 37203**

**Phone: (615) 320-5577**  
**Fax: (615) 320-5597**

**[larry.craig@305lawoffice.com](mailto:larry.craig@305lawoffice.com)**

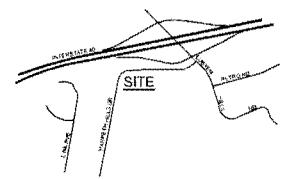


3



**NOTES:**

1. The purpose of this plat is to adjust the property line between the lots to better approximate the original.
2. This survey meets the requirements of "Map and Mapping" as per standards of practice, 04-20-10 adopted by the Board of Engineers for Land Surveyors, State of Tennessee.
3. Bearings are based on the Tennessee State Plane coordinate system, NAD83 (Northward), and NAD83 (Northward).
4. Distances were measured with E.O.M. equipment and have been adjusted for temperature and barometric pressure.
5. This survey was made using the latest recorded deed of record. No other report was furnished to the surveyor. Therefore, this survey is subject to the findings of a complete title search. The state of North Carolina is based on a professional opinion in regards to information obtained during the survey and does not constitute a warranty in any form, expressed or implied.
6. This property is located in an area designated "Zone 1" as per the National Flood Insurance Program Map No. 470210000001, dated September 17, 2010, and is not in a flood prone area.
7. The surveyor has not physically located the underground utilities. Above ground and underground utilities shown were taken from available information at the site, public records and maps prepared by others. The location and/or existence of utility lines is to the degree of the surveyor's knowledge and is not a warranty. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area either in service or abandoned. The surveyor further does not warrant that the underground utilities are in the location shown. Therefore, indemnity upon the type, size, and location of utilities shown would be done so with the circumstances considered. Detailed verification of existing location and depth should also be made prior to any excavation relative thereto, as made. Availability and cost of service should be confirmed with the appropriate utility company. In Tennessee, it is a requirement per "The Underground Utility Damage Prevention Act", that anyone who engages in excavation must notify all known underground utility owners, no less than three (3) nor no more than ten (10) working days prior to the date of their intent to excavate and also to avoid any possible hazard or conflict. Tennessee Official Code 48-2-301-301.1111.
8. Information shown hereon was derived from various maps, aerial photos, and aerial photos.
9. For Ray Harpeth & Dale E. Lee.
10. Field survey details 3/14/15.
11. Current zoning R1.
12. Building setbacks by Code, Front 40' Side 15' Rear 25'.
13. This plat voids vacates and supercedes the recording of the plat of Harpeth Hills Estates as of record in Deed Book 106, Page 55-56, C.C. TN, and is subject to Lot 1, 2 & 3.



**VICINITY MAP**  
N.T.S.

**LEGEND**

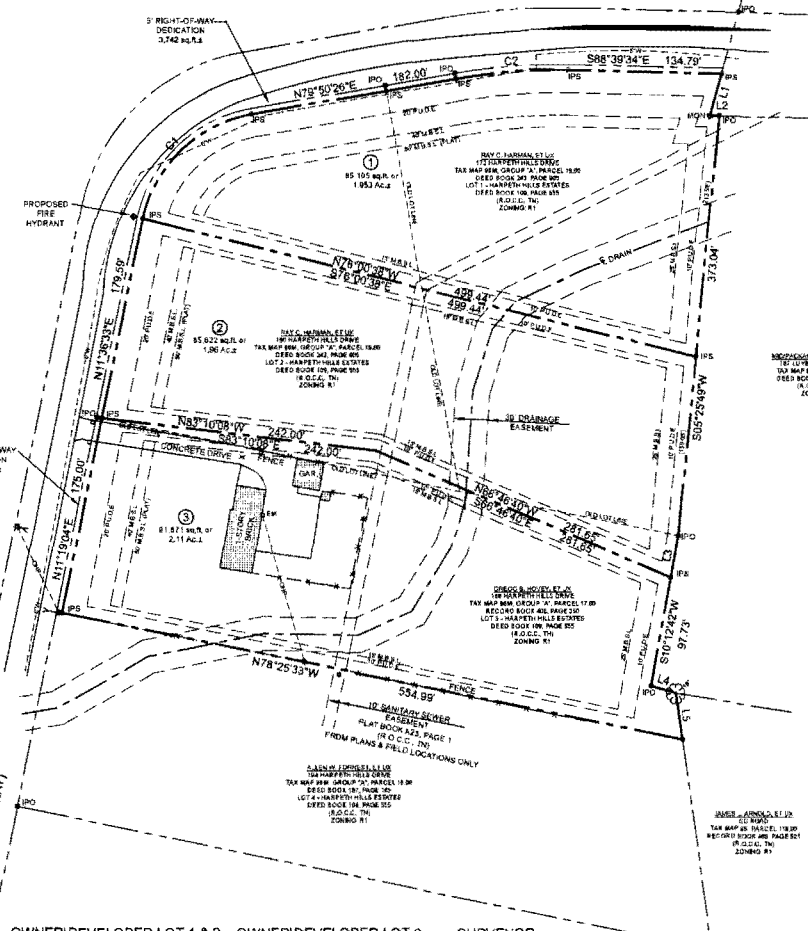
- PROPERTY LINE
- WATER LINE
- FENCE LINE
- POWER OR TELE
- MON CONC. MONUMENT
- IRON PIN
- IRON PIN (SET)
- FIRE HYDRANT
- POWER POLE
- WATER VALVE
- WATER METER

**DRAINAGE NOTE:**

The drainage easements (or the drainage easement) shown hereon establish the perpetual right to discharge storm water runoff from the highway and from the surrounding area onto and over the adjacent easement by means of pipes, culverts or ditches, or a combination thereof, together with the right of the holder of the fee to the highway, of the authorized representatives, to enter said easement for purposes of making such installations and doing such maintenance work as said holder of the fee may deem necessary to adequately drain the highway and surrounding area.

| CHORD BEARING    | CHORD LENGTH | CHORD BEARING    | CHORD LENGTH |
|------------------|--------------|------------------|--------------|
| N 118° 00' 00" E | 100.00       | S 118° 00' 00" E | 100.00       |
| N 118° 00' 00" E | 100.00       | S 118° 00' 00" E | 100.00       |
| N 118° 00' 00" E | 100.00       | S 118° 00' 00" E | 100.00       |

| CHORD BEARING    | CHORD LENGTH | CHORD BEARING    | CHORD LENGTH |
|------------------|--------------|------------------|--------------|
| N 118° 00' 00" E | 100.00       | S 118° 00' 00" E | 100.00       |
| N 118° 00' 00" E | 100.00       | S 118° 00' 00" E | 100.00       |
| N 118° 00' 00" E | 100.00       | S 118° 00' 00" E | 100.00       |



**SOUTHERN PRECISION**  
LAND SURVEYING, INC.  
P.O. BOX 220  
PEGRAM, TN 37143-0220  
(615) 952-2800  
FAX: (615) 952-2806  
"WE'LL PUT YOU ON THE MAP"

**OWNER/DEVELOPER LOT 1 & 2**  
RAY C. & DALE E. LEE  
212 HARPETH HILLS DRIVE  
KINGSTON SPRINGS, TN 37082  
(615) 378-1118

**OWNER/DEVELOPER LOT 3**  
GREGORY H. LEE  
118 HARPETH HILLS DRIVE  
KINGSTON SPRINGS, TN 37082  
(615) 952-2800

**SURVEYOR**  
BRYAN A. MCCANN, P.E., S. #2588  
P.O. BOX 220  
PEGRAM, TN 37143-0220  
(615) 952-2800



**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
I HEREBY CERTIFY THAT I HAVE BEEN THE OWNER OF THE PROPERTY DESCRIBED HEREON AS EVIDENCED IN DEED BOOK 106, PAGE 55 & 56, RECORD BOOK 106, PAGE 55 & 56, RECORDERS OFFICE AND THAT I HAVE HEREBY ACCEPTED THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISHING THE MINIMUM BUILDING RESTRICTIONS AND THAT OFFERS OF IRREVOCABLE DEDICATION FOR ALL PUBLIC WAYS, UTILITIES AND OTHER FACILITIES HAVE BEEN FILED.

DATE \_\_\_\_\_ OWNER \_\_\_\_\_  
DATE \_\_\_\_\_ OWNER \_\_\_\_\_  
DATE \_\_\_\_\_ OWNER \_\_\_\_\_  
DATE \_\_\_\_\_ OWNER \_\_\_\_\_

**CERTIFICATE OF SURVEY ACCURACY**  
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS IS A TRUE AND ACCURATE SURVEY OF THE PROPERTY SHOWN HEREON. THAT THIS IS A CATEGORY "1" LAND SURVEY AS DEFINED IN CHAPTER 0620-3.05, STANDARDS OF PRACTICE AS ADOPTED BY THE BOARD OF EXAMINERS FOR LAND SURVEYORS AND THAT THE RATIO OF PRECISION IS GREATER THAN OR EQUAL TO 1:10,000 AS SHOWN HEREON.

DATE \_\_\_\_\_ REGISTERED LAND SURVEYOR #2588

**CERTIFICATE OF APPROVAL OF WATER SYSTEM**  
I HEREBY CERTIFY THAT THE WATER SYSTEM OUTLINES OR LOCATIONS ON THE PLAT SUBDIVISION PLAT ENTITLED "RESUBDIVISION LOTS 1 & 2 HARPETH HILLS SUBDIVISION" HAVE BEEN INSTALLED IN ACCORDANCE WITH CURRENT LOCAL AND STATE GOVERNMENT REQUIREMENTS, OR A SUFFICIENT BOND OR OTHER SURETY HAS BEEN FILED TO GUARANTEE SAID INSTALLATION.

DATE \_\_\_\_\_ NAME, TITLE, AND AGENCY OR AUTHORIZED AGENT

**CERTIFICATE OF APPROVAL SEWAGE SYSTEMS**  
GENERAL APPROVAL IS HEREBY GRANTED FOR LOTS PROPOSED HEREON AS BEING SUITABLE FOR SUBSURFACE SEWAGE DISPOSAL WITH THE LISTED AND/OR ATTACHED RESTRICTIONS. BEFORE THE INITIATION OF CONSTRUCTION, THE LOCATION OF THE HOUSE OR OTHER STRUCTURES AND PLANS FOR THE SUBSURFACE SEWAGE DISPOSAL SYSTEM SHALL BE APPROVED BY THE LOCAL HEALTH AUTHORITY.

DATE \_\_\_\_\_ LOCAL HEALTH AUTHORITY

**CERTIFICATE OF APPROVAL FOR RECORDING**  
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE KINGSTON SPRINGS SUBDIVISION REGULATIONS, WITH THE EXCEPTION OF SUCH VARIANCES IF ANY AS ARE NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY REGISTER.

DATE \_\_\_\_\_ SECRETARY, PLANNING COMMISSION

**RESUBDIVISION OF LOTS 1, 2 & 3**  
OF THE  
HARPETH HILLS ESTATES SUBDIVISION  
ELEVENTH CIVIL DISTRICT  
KINGSTON SPRINGS, CHEATHAM COUNTY, TENNESSEE  
SCALE: 1" = 50' DATE: 5/7/15

DRAWN BY LAM PROJECT NO. 15-0557

# Kingston Springs

| Town of Kingston Springs Final Plat Checklist |  |                |
|---|--|----------------|
| Provided with Submittal                       | Project Title: <u>Resub lots 1 &amp; 2 Harpeth Hills Estates</u>   | For office use |
|   | Date: <u>March 24, 2015</u>  |                |
|   | Subdivision Name   | ✓              |
|   | Location map   | ✓              |
|   | Tax map and parcel number for subject parcel(s)  | ①              |
|   | Deed book and page number  | ✓              |
|   | Civil district   | ✓              |
|   | Zoning of Subject Parcels(s) and that of adjoining properties  | ✓              |
|   | Property acreage and any remaining acreage and road frontage   | ✓              |
|   | Graphic scale (1" = 10', 20', 30', 40', 50', 60' or 100')  | ✓              |
|   | North arrow  | ✓              |
|   | Date and dates of any revisions  | ✓              |
|   | Existing contours at a minimum of two (2) foot intervals   | -              |
|   | Name, address, telephone number of Owner/Developer   | ✓              |
|   | Name, address, telephone number of Design Firm and contact person  | ✓              |
|   | Name of adjacent owner(s) (even those across right-of-way)   | ✓              |
|   | Bearings and dimensions of property boundaries   | ✓              |
|   | Location and description of survey monuments   | ✓              |
|   | Lot lines and dimensions   | ✓              |
|   | Building setback lines(front, side, rear)  | ✓              |
|   | Location of existing platted property lines and buildings  | ✓              |
|   | Lot numbers  | ✓              |
|   | Existing and proposed street names and right-of-way dedication and centerline(s)   | ②              |
|   | Location of existing watercourses, railroads, bridges, and culverts  | ✓              |
|   | Location of existing drainage and /or public utility easements   | ③              |
|   | Location and size of existing and proposed public utilities and/or easements (sewer, water, gas, electric and fire hydrants) | ④              |
|   | Location of proposed public utility drainage easements   | -              |
|   | Location of stop and street name signs   | -              |
|   | SSDS areas   | -              |
|   | Grading and drainage plans   | -              |
|   | Curb and gutter or drainage ditch cross section  | -              |
|   | Location of the 100-year floodplain, floodway, and proposed finished floor elevation (if applicable)                         | -              |
|   | Existing and/or proposed development signage (size, height, and location)  | -              |
|   | Bond Information:  |                |
|   | Linear feet of water line; Number of fire hydrants; Linear feet of sewer line  | .              |
|   | Certificates:  |                |
|   | Accuracy; Ownership; Streets, Utilities; Utility Bond; Water and Sewer; Health Department; Recording                         | .              |
|   | Any other improvements required by the planning commission before the final plat is approved                                 | .              |
|   | All required fees and/or bonds have been paid  | .              |

March 24, 2015

Brian McCain, P.L.S.  
Southern Precision Land Surveying, Inc.  
P.O. Box 220  
Pegram, TN 37143-0220

**RE: #11069.19 Re-subdividing Lots 1 & 2 Harpeth Hills Estates, Kingston Springs**

Mr. McCain:

Please review and address the following staff comments. Please return your revised drawings to staff by noon on May 7, 2015 in order for this case to be considered by the planning commission at the May 14 meeting. In addition to the paper copies that you will turn into the city, please also email a digital copy to me.

**Staff Comments Regarding Final Plat:**

1. Please provide the tax map and parcel for the two lots
2. Label the right-of way dedication width on the plan
3. Per Kingston Springs Subdivision Regulation 4-113.302 Drainage Easements (a.) states that unobstructed easements shall be at least ten feet; however the drainage easement width appears wider on the site. Applicant to provide information on the 25 year flood calculations in order to determine if ten feet is adequate.
4. Indicate the location of the existing water lines on the plans and provide the location of the fire hydrant. If water is not accessible to both lots, please indicate the linear feet of water line to be provided. The sewer easement is show but please show the sewer line as well.

Please contact us if you have any questions or need additional information.

Best,



**Mary McClendon Vavra, ASLA, AICP**  
*Senior Landscape Architect/Planner*

11069.19 / Admin / Outbox / Planning / Comments / 03-24-15

April 16, 2015

Brian McCain, P.L.S.  
Southern Precision Land Surveying, Inc.  
P.O. Box 220  
Pegram, TN 37143-0220

**RE: #11069.19 Re-subdividing Lots 1 & 2 Harpeth Hills Estates, Kingston Springs**

Mr. McCain:

Please review and address the following staff comments. Please return your revised drawings to the Town by noon on May 7, 2015 in order for this case to be considered by the planning commission at the May 14 meeting. In addition to the paper copies that you will turn into the city, please also email a digital copy to me.

**Staff Comments Regarding Final Plat:**

1. Please sign and date the seal of the licensed land surveyor before re-submitting.
2. Please indicate the exact location of the existing fire hydrant and show proposed fire hydrant(s) on the plans. Note: the Kingston Springs Subdivision Regulation, 4.114.4 Fire Hydrants, requires a fire hydrant within 500' of each home.
3. The sewer easement is shown but please show the sewer line as well.

Please contact us if you have any questions or need additional information.

Best,



**Mary McClendon Vavra, ASLA, AICP**  
*Senior Landscape Architect/Planner*

11069.19 / Admin/Corresp/Letters / Outbox/Planning\_Comments04-16-15

Town of Kingston Springs  
396 Spring Street  
Kingston Springs, TN 37082  
PHONE: (615) 952-2110

Rcpt Date: 03/16/2015

Rcpt #: 00009782

Cash Acct: 110-11211

Received Of: SOUTHERN PRECISION LAND SURVEYING, INC.

Cmt: MINOR SUBDIV. HARPEATH HILLS Tendered Amount: 350.00

Receipt Amount: 350.00

Change Due: 0.00

| ----- RECEIPT DISTRIBUTION ----- |                      |        | ----- PAYMENT DISTRIBUTION ----- |            |        |
|----------------------------------|----------------------|--------|----------------------------------|------------|--------|
| FUNCT-OBJ                        | DESCRIPTION          | AMOUNT | TYPE                             | REF NUMBER | AMOUNT |
| 34125                            | PLANNING REVIEW FEES | 350.00 | CHECK                            | 2029       | 350.00 |

\*\*ORIGINAL COPY\*\*

Received By: DORIS



Southern Precision Land Surveying, Inc.

P.O. Box 220  
Pegram, TN 37143-0220

**Pinnacle**

87-863-640

2029

3/16/2015

PAY TO THE  
ORDER OF

Town of Kingston Springs

\$

Three hundred fifty - Dollars xx/100

DOLLARS

Void After 90 Days

Brian McCai

AUTHORIZED SIGNATURE

MEMO

⑈002029⑈ ⑆064008637⑆ 012130401⑈



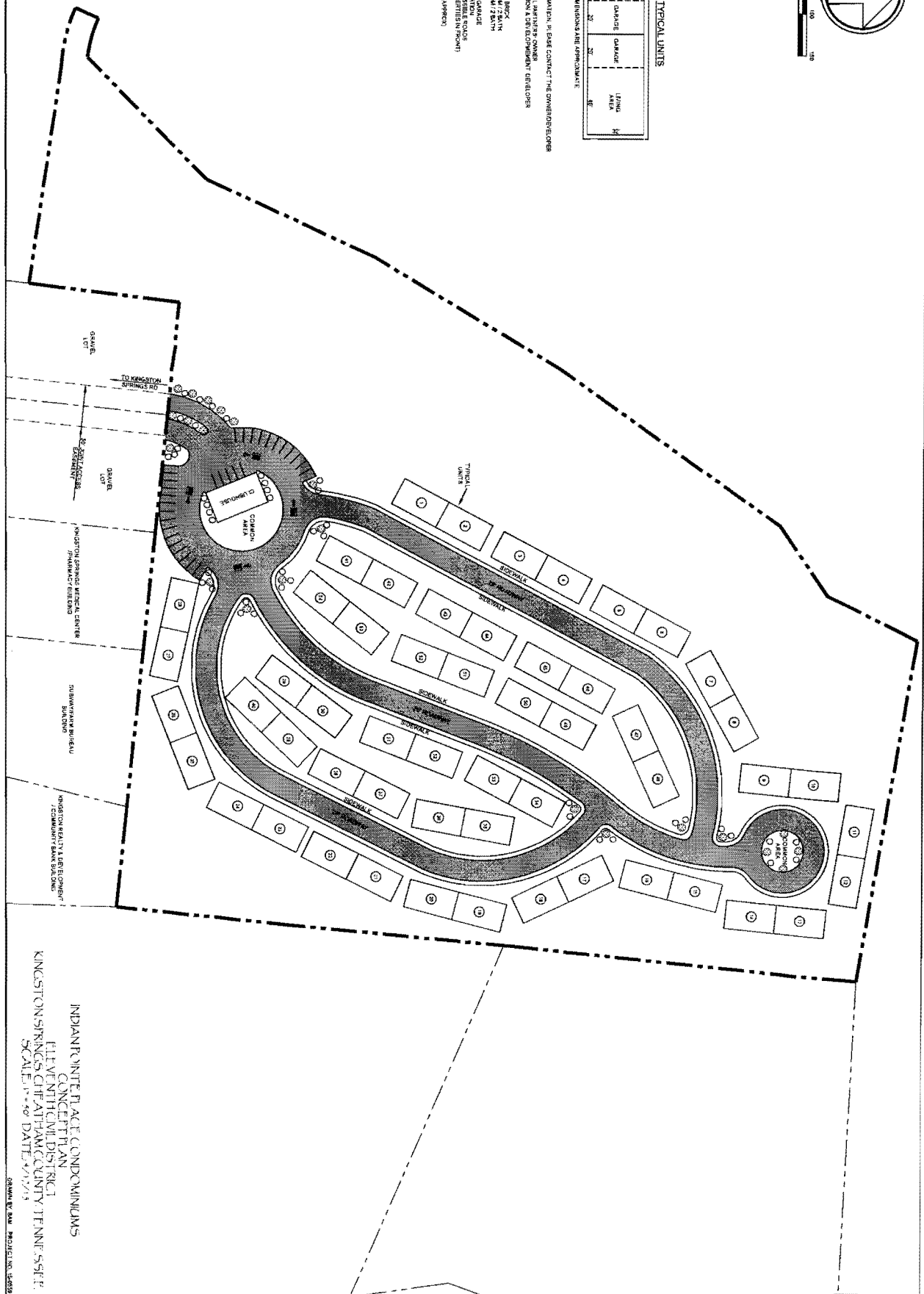
TYPICAL UNITS

|             |        |        |             |
|-------------|--------|--------|-------------|
| Living Area | Garage | Garage | Living Area |
| 40'         | 20'    | 20'    | 40'         |

ALL DIMENSIONS ARE APPROXIMATE

FOR ADDITIONAL INFORMATION, PLEASE CONTACT THE DEVELOPER  
 INDIAN POINT CENTRAL PARTNERS OWNERS  
 INDIAN POINT CONSTRUCTION & DEVELOPMENT CENTER  
 10000 W. 11TH AVE.  
 SUITE 100  
 DENVER, CO 80231  
 303.733.1100  
 1800 W. 11TH AVE. 2 BEDROOM / 2 BATH  
 1800 W. 11TH AVE. 3 BEDROOM / 2 BATH  
 STORABLE AREA OVER GARAGE  
 GAS & ELECTRICITY ACCESSIBLE ROADS  
 (TO COMMERCIAL PROPERTIES IN FRONT)  
 44 TOTAL PROPERTIES (APPROX)

**Southern Precision**  
 LAND DEVELOPMENT INC.  
 10000 W. 11TH AVE.  
 SUITE 100  
 DENVER, CO 80231  
 303.733.1100  
 1800 W. 11TH AVE. 2 BEDROOM / 2 BATH  
 1800 W. 11TH AVE. 3 BEDROOM / 2 BATH  
 WE'LL PUT YOU ON THE MAP



INDIAN POINT PLACE CONDOMINIUMS  
 ELEVEN UNIT DISTRICT  
 KINGSTON SPRINGS CITIZENS CENTER TOWN SITE  
 SCALE: 1" = 40' DATE: 7/1/13  
 DRAWN BY: BAW PROJECT NO: 160533

ORDINANCE NO. 015-\_\_\_\_\_

AN ORDINANCE AMENDING THE KINGSTON SPRINGS ZONING ORDINANCE (A STAND ALONE ORDINANCE), NO. 84-005, AS AMENDED, PROVIDING FOR TEXT AMENDMENT, ARTICLE V, SECTION 5.052.2(B) USES PERMITTED, 1(24), DELETING MINI-STORAGE WAREHOUSE FACILITIES AS AN OUTRIGHT PERMITTED USE; AND ARTICLE V, SECTION 5.053.1(B) 13, TO EXPRESSLY ALLOW MINI-STORAGE WAREHOUSE FACILITIES AS AN OUTRIGHT PERMITTED USE.

WHEREAS, the Town of Kingston Springs, Tennessee, has adopted its zoning ordinance identified as Ordinance No. 84-005, which has been subsequently amended; and

WHEREAS, it is deemed necessary and desirous to amend a portion of the text of the ordinance, specifically, Article V, Section 5.052-2, C-2. Highway Service District, together with amendment, Article V; Section 5.053.1(B) 13; and

WHEREAS, the amendatory change has been recommended by the Kingston Springs Municipal Regional Planning Commission to the Board of Commissioners, to become effective after second and final reading, the second reading to be preceded by a public hearing.

NOW, THEREFORE, be it ordained by the Board of Commissioners of the Town of Kingston Springs, Tennessee, as follows:

- 1. Article V at Section 5.052.2. C-2-Highway Service District at subsection B(24), by deleting as an outright permitted use, "Mini-storage warehouse facilities".
- 2. Article V at Section 5.053.1(B)13, I-1 Light Industrial District, adding after the words, "Warehouse and storage facilities" the text language, to wit: ", including mini-storage warehouse facilities".
- 3. All other aspects of the Municipal Zoning Ordinance 84-005, and subsequent amendments thereto, shall remain in full force and effect.
- 4. This ordinance shall take effect after second and final reading and publication of due adoption.

ORDAINED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR

RECOMMENDED BY THE MUNICIPAL REGIONAL PLANNING COMMISSION ON \_\_\_\_\_, 2015.

SUBMITTED TO PUBLIC HEARING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015 \_\_\_\_\_ P.M., AFTER PUBLICATION ON \_\_\_\_\_, 2015, IN THE ADVOCATE NEWSPAPER, A NEWSPAPER OF GENERAL CIRCULATION.

PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
DEBBIE FINCH, CITY RECORDER

APPROVED AS TO FORM AND LEGALITY:

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LARRY D. CRAIG, CITY ATTORNEY

THIS AMENDMENT RELATES TO A STAND ALONE, NON-CODIFIED ORDINANCE, ONLY TO WHICH REFERENCE IS MADE IN THE MUNICIPAL CODE OF ORDINANCES.

AMENDED BY RENUMBERING ARTICLE VI TO ARTICLE  
VII, BY ORDINANCE 06-015, DECEMBER 21, 2006  
ARTICLE VII

Field Code Changed

EXCEPTIONS AND MODIFICATIONS

SECTION

- 7.010 Scope
- 7.020 Nonconforming Uses
- 7.030 Nonconforming Buildings in Floodplain Districts
- 7.040 Bulk and Lot Size Noncompliance
- 7.050 Exceptions to Height Limitations
- 7.060 Lots of Record
- 7.070 Exceptions to Setback Requirements
- 7.080 Absolute Minimum Lot Size
- 7.090 Zero Lot Line Duplex Requirements

7.010. Scope. ARTICLE VII of this ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in ARTICLE IV and ARTICLE V.

7.020. Nonconforming uses. This districts established in this ordinance (as set forth in district regulations in ARTICLE V) are designed to guide the future use of land in Kingston Springs, Tennessee, by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this Article are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare.

7.021. Provisions Governing Nonconforming Uses. Applicability. The provisions of this article are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodplain are considered within the regulations of nonconforming uses.



7.022. Construction or Use Permit Approved Prior to Ordinance Adoption. Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this ordinance shall apply.

7.023. Repairs and Alterations Nothing in this Article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

7.024. Zone Lot Containing Nonconforming Use. A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section 7.023.

7.025. Continuation of Nonconforming Use. Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use (See Section 7.026) is undertaken.

7.026. Change of Nonconforming Use.

7.026.1. General Provisions. For the purpose of this article, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

7.026.2. Land with Incidental Improvements. In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

7.026.3. Nonconforming to Conforming Use. Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

7.027. Expansion of Nonconforming Uses

7.027.1. General Provisions. Pursuant to T.C.A. §§13-7-208, and amendments thereto, any nonconforming industrial, commercial, or business use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming industrial, commercial or business use provided that any such expansion shall not violate the provisions as set out below and shall not violate any other applicable building code or regulatory requirements.

7.027.2. Land with Incidental Improvements. In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

7.027.3. Adequate Space for Expansion. No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance.

7.027.4. Expansion Limited. Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

7.027.5. Expansion Upon Land Subject to Flood. No expansion of any nonconforming use shall violate the provisions of Section 7.030.

#### 7.028. Damage or Destruction

7.028.1. General Provisions. Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

7.028.2. Change in Use Prohibited. No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in Section 7.026, above) to other than a permitted use.

7.028.3. Land With Incidental Improvements. In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of fifty (50) percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (as

determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

7.028.4. Infringement Upon Open Space Restricted. No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

7.028.5. Reconstruction of Flood Damaged Property. The provisions of Section 7.030, shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within floodway district.

7.029. Discontinuance. Pursuant to T.C.A. §13-7-208, when a nonconforming industrial, commercial or other business use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of thirty (30) continuous months, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

7.030. Special Provisions Governing Nonconforming Buildings Within Floodway District.

7.030.1. General Provisions. In all districts or portions thereof which extend into the floodway districts as established by Section 5.054, any building or other structure or use which is not permitted by the floodway district provisions shall become nonconforming upon the effective date of this ordinance, or subsequent amendment as applicable.

7.030.2. Enlargement of Buildings Within the Floodway. A building or other structure which is nonconforming by reason of location within the floodway shall not be enlarged or expanded but may be altered, or repaired as set forth in Section 7.023, or as may be expressly authorized by the Board of Zoning Appeals in order to incorporate flood proofing measures provided that such alteration Will not increase the level of the 100-year flood or extend the normal life of such nonconforming building or structure.

7.030.3. Repealed. See FEMA Flood Ordinance.

7.040. Bulk and Lot Size Noncompliance.

7.040.1. General Provisions. The provisions of this article shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

7.040.2. Continuation of Use. The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this article.

7.040.3. Repairs and Alterations. Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 7.040.4 through 7.040.6.

7.040.4. Enlargements or Conversions. A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

7.040.5. Buildings Noncomplying as to Lot Area. If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of 3,500 square feet, which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than 5,000 square feet).

7.040.6. Damage or Destruction of Noncomplying Uses. A noncomplying building

which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof.

7.050. Exceptions to Height Limitations. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts and aerials.

7.060. Lots of Record. The following provisions shall apply to all existing lots of record:

A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals is possible.

B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

7.070. Exceptions to Setback Requirements. The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

7.080. Absolute Minimum Lot Size. In no case shall the Building Inspector or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet.

7.090. Zero Lot Line Duplex Requirements. Zero lot line duplex dwellings shall be subject to the following requirements:

7.090.1. Density Requirements. The density of the development permitted shall be determined by dividing the gross site, less streets, by the lot area require in an R-2 or R-3 District, for a duplex or two-family structure or building type.

7.090.2. Parcel (Fee-Simple Lot) Requirements Area and Width Requirements. The Lot area and lot width of any parcel (fee-simple lot) may be variable provided that no parcel shall be created which contains less than one half ( $\frac{1}{2}$ ) of the required lot area per structure of building type as stipulated in 7.090.1, above. In no case shall an individual parcel be created which contains less than an absolute minimum of 6,000 square feet, or a lot width at the building setback line of less than 75 feet.

A. Coverage Requirements

On any individual parcel of land, the area occupied by all buildings or structures thereon including accessory structures if any, shall not exceed thirty-five (35) percent of said parcel. All accessory structures shall be governed by the provisions of Section 3.100 and Section 5.051.2, B, 4, or 5.051.3, B, 6, of the zoning ordinance.

B. Front, Rear, and Side Yard Requirements

The front and rear yard setback requirements shall be as specified in the R-2 and R-3 Zoning Districts of the zoning ordinance. Where required, side yard setbacks per each building type shall also follow the R-2 and R-3 Zoning District Regulations. Such side yard setbacks are required at the end of each individual building or structure located within the development.

### C. Height Requirements

All developments utilizing zero side roads shall follow the height requirements cited in Sections 5.051.2 (E)(4) or 5.051.3 (E)(4).

#### 7.090.3. Other Development Requirements.

1. The exterior material of zero lot line dwellings shall be of such type and quality that they do not create an adverse effect on adjacent dwellings.
2. The side yard setbacks may be zero on any parcel provided that the parcel adjacent to that side yard is held under the same ownership at the time of initial construction.
3. No zero side yard shall be adjacent to any public or private right-of-way, nor shall it be adjacent to any parcel of land not being approved by the Board of Zoning Appeals for a zero side yard development.
4. No portion of a dwelling or architectural features of a structure shall project over any property line.
5. Where the same interior property line is utilized for the zero side yard construction of any dividing structures or walls, such dividing structures shall consist of double walls separated by a minimum air space of two (2) inches.
6. Where the same interior property line is utilized for the construction of any zero side yard structures or walls, all the provisions of the Southern Standard Building Code shall be met, and all such fire walls shall have a rating as required by the Kingston Springs Fire Department.
7. All residential structures or building types must contain a fire wall between the various dwelling units, from the footing to the peak of the roof of not less than two hours fire rating. The fire wall must be bisected by a line dividing each dwelling unit so that one-half of the fire wall is on each parcel.

#### 7.090.4. Parking and Access Requirements.

1. There shall be two (2) parking spaces per individual parcel (fee simple lot) subdivided, and special attention shall be directed to providing the required spaces in a manner which will minimize points of access onto the public road serving the development.
2. Every dwelling unit shall be located on a parcel fronting or adjacent to a public street. All structures shall be so located on the various parcels so as to provide safe, convenient access for the provision of adequate fire protection to such parcels.

7.090.5. Utilities Requirements. All zero side yard residential developments shall be served by public water. Sanitary (public) sewer services shall be utilized whenever possible. If a zero lot line development is to be served by means of private, subsurface disposal systems approved by the Cheatham County Health Department, each parcel (fee simple lot) must contain its own individual septic tank and drainfield. Each parcel shall be served by separate utilities, and when served by or private, subsurface sewerage disposal system, each parcel (fee simple lot) shall contain a minimum of 20,000 square feet.

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7.090.6. Location Requirements. In authorizing any development anticipated herein, as well as fully considering the criteria cited in Section 7.060, of the zoning ordinance, the Board of Zoning Appeals shall consider.

1. The nature, type, density, etc., of development adjoining and within the immediate vicinity of the proposed activity.
2. The location of the development with regard to major streets, and especially in regards to Kingston Springs' Major Thoroughfare plan.
3. The nearness or reasonable availability of all public utilities (specifically including public sewer).
4. The adequacy of fire protection facilities.
5. The adequacy of deed covenants designed to assure protection of potential purchasers, surrounding owners, and the community at large.

7.090.7. Contents of Deed Covenants. At the time of presentation of any final plat involving use of the procedure contained within this section, deed covenants shall also be prepared, presented and recorded which at a minimum provide:

1. An agreement covering the status, including the ownership, maintenance, etc., of the common wall separating the units.
2. Adequate language to assure proper maintenance, etc., of any portion of the structure where maintenance must be shared (ex. common roof).

If the correction of a maintenance problem incurred in the dwelling unit on one parcel necessitates construction work or access on the dwelling unit of the other parcel, either parcel owner shall have an easement on the property of the other for the purpose of this construction. Each party shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions.

3. Adequate language to assure that any property divided under this provision shall be continuously subject to the unified plan under which originally approved. Such language shall specifically include clear and precise statements whereby the purchaser is informed that the property may not be used in any manner which would have the effect of negating the unified plan under which original approval was granted and language indicating that the purchaser of any such parcel understands that in no instance will any such parcel be viewed as a separate independent parcel for zoning purposes.
4. Adequate language covering any and all cross easements as are necessary to assure the proper maintenance of all utility services.
5. If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owner thereafter makes use of the wall, he shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions. Either parcel owner shall have an easement on the property of the other for the purpose of reconstruction and protection of the remaining unity from the elements.

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7.090.8. Subdivision Regulations. All the requirements of the Kingston Springs Subdivision Regulations shall be met as well as the granting of a special exception by the Board of Zoning Appeals allowing said zero side yard developments, before the development may qualify as being legally approved.



Preliminary subdivision plats shall designate no more than twenty (20) percent of their lots as zero lot line dwellings. Moreover, both preliminary and final subdivision plats shall designate specific lots as being "zero lot-line developments lots", and the planning commission shall approve these locations.

7.090.9. Requirements for Review and Approval. No development anticipated by the language contained herein shall be undertaken without an express grant of approval by the Board of Zoning Appeals acting under authority granted to the Board for the approval of special exceptions. Moreover, as stated above, the final subdivision plat of the project shall be submitted to and approved by the planning commission, as well as the required review of the entire project as a special exception by the Board of Zoning Appeals under Section 7.060, of the zoning ordinance.

ORDINANCE NO. 015-03

AN ORDINANCE AMENDING THE KINGSTON SPRINGS ZONING ORDINANCE, NO. 84-005, AS AMENDED, A STAND-ALONE ORDINANCE (NOT CODIFIED) PROVIDED FOR TEXT AMENDMENT, ARTICLE VII, SECTION 7.010 THROUGH 7.090, EXCEPTIONS AND MODIFICATIONS.

WHEREAS, the Town of Kingston Springs, Tennessee, has adopted its zoning ordinance identified as Ordinance No. 84-005, which has been subsequently amended; and

WHEREAS, it is deemed necessary and desirous to amend Article VII, Exceptions and Modifications, Section 7.010 through 7.090, due to newly discovered typographical errors and changes made necessary by state law as contained within the existing zoning ordinance; and

WHEREAS, the amendatory changes have been recommended by the Kingston Springs Municipal Regional Planning Commission to the Board of Commissioners, to become effective after second and final reading, the second reading to be preceded by a public hearing.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Kingston Springs, Tennessee, as follows:

The heretofore duly adopted and subsequently amended zoning ordinance as set forth in Article VII, Exceptions and Modifications, Section 7.010 through 7.090, did contain certain typographical errors and changes made necessary and desirous by the Board of Commissioners so as to not conflict with state law since original adoption and other duly adopted ordinances of the Town, is here and now deleted, and substituted in lieu thereof is the corrected and modified Article VII, Section 7.010 through Section 7.090, as exhibited hereto and incorporated by reference herein.

All other aspects of the Municipal Zoning Ordinance 84-005 and all subsequent amendments thereto, shall remain in full force and effect.

This ordinance does not amend the accompanying zone district mapping.

This ordinance shall take effect after second and final reading and publication of due adoption, the public welfare requiring the same.

ORDAINED on this the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
FRANCIS A. GROSS, III, MAYOR

RECOMMENDED BY THE KINGSTON SPRINGS MUNICIPAL REGIONAL PLANNING COMMISSION ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

SUBMITTED TO PUBLIC HEARING ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015, \_\_\_\_\_ P.M., AFTER PUBLICATION ON \_\_\_\_\_, 2015, IN THE ADVOCATE NEWSPAPER, A NEWSPAPER OF GENERAL CIRCULATION.

PASSED FIRST READING: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
DEBBIE FINCH, CITY RECORDER

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
LARRY D. CRAIG, CITY ATTORNEY

CITY RECORDER TO ADVERTISE ADOPTION IN THE ADVOCATE NEWSPAPER.

THIS AMENDMENT RELATES TO A STAND-ALONG, NON-CODIFIED ORDINANCE,  
TO WHICH REFERENCE IS MADE IN THE MUNICIPAL CODE OF ORDINANCES.

AMENDED BY RENUMBERING ARTICLE VI TO ARTICLE  
VII, BY ORDINANCE 06-015, DECEMBER 21, 2006  
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In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this ordinance shall apply.

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7.028.3. Land With Incidental Improvements. In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of *fifty (50)* percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

7.028.4. Infringement Upon Open Space Restricted. No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

7.028.5. Reconstruction of Flood Damaged Property. The provisions of Section 7.030, shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within floodway district.

7.029. Discontinuance. Pursuant to T.C.A. §13-7-208, when a nonconforming *industrial, commercial or other business* use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of *thirty (30) continuous months*, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

7.030. Special Provisions Governing Nonconforming Buildings Within Floodway District.

7.030.1. General Provisions. In all districts or portions thereof which extend into the floodway districts as established by Section 5.054, any building or other structure or use which is not permitted by the floodway district provisions shall become nonconforming upon the effective date of this ordinance, or subsequent amendment as applicable.

7.030.2. Enlargement of Buildings Within the Floodway. A building or other structure which is nonconforming by reason of location within the floodway shall not be enlarged or expanded but may be altered, or repaired as set forth in Section 7.023, or as may be expressly authorized by the Board of Zoning Appeals in order to incorporate flood proofing measures provided that such alteration Will not increase the level of the 100-year flood or extend the normal life of such nonconforming building or structure.

7.030.3. Repealed. See FEMA Flood Ordinance.

7.040. Bulk and Lot Size Noncompliance.

7.040.1. General Provisions. The provisions of this article shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

7.040.2. Continuation of Use. The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this article.

7.040.3. Repairs and Alterations. Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 7.040.4 through 7.040.6.

7.040.4. Enlargements or Conversions. A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

7.040.5. Buildings Noncomplying as to Lot Area. If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of 3,500 square feet, which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than 5,000 square feet).

7.040.6. Damage or Destruction of Noncomplying Uses. A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof.

7.050. Exceptions to Height Limitations. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts and aerials.

7.060. Lots of Record. The following provisions shall apply to all existing lots of record:

A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals is possible.

B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with



the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

**7.070. Exceptions to Setback Requirements.** The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

**7.080. Absolute Minimum Lot Size.** In no case shall the Building Inspector or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet.

**7.090. Zero Lot Line Duplex Requirements.** Zero lot line duplex dwellings shall be subject to the following requirements:

**7.090.1. Density Requirements.** The density of the development permitted shall be determined by dividing the gross site, less streets, by the lot area require in an R-2 or R-3 District, for a duplex or two-family structure or building type.

**7.090.2. Parcel (Fee-Simple Lot) Requirements Area and Width Requirements.** The Lot area and lot width of any parcel (fee-simple lot) may be variable provided that no parcel shall be created which contains less than one half (½) of the required lot area per structure of building type as stipulated in 7.090.1, above. In no case shall an individual parcel be created which contains less than an absolute minimum of 6,000 square feet, or a lot width at the building setback line of less than 75 feet.

**A. Coverage Requirements**

On any individual parcel of land, the area occupied by all buildings or structures thereon including accessory structures if any, shall not exceed thirty-five (35) percent of said parcel. All accessory structures shall be governed by the provisions of Section 3.100 and Section 5.051.2, B, 4, or 5.051.3, B, 6, of the zoning ordinance.

**B. Front, Rear, and Side Yard Requirements**

The front and rear yard setback requirements shall be as specified in the R-2 and R-3 Zoning Districts of the zoning ordinance. Where required, side yard setbacks per each building type shall also follow the R-2 and R-3 Zoning District Regulations.

Such side yard setbacks are required at the end of each individual building or structure located within the development.

**C. Height Requirements**

All developments utilizing zero side roads shall follow the height requirements cited in Sections 5.051.2 (E)(4) or 5.051.3 (E)(4).

**7.090.3. Other Development Requirements.**

1. The exterior material of zero lot line dwellings shall be of such type and quality that they do not create an adverse effect on adjacent dwellings.

In an effort reduce the burdensome parking requirements for business and provide incentives for other elements, staff has drafted the following exceptions for review and discussion by the Planning Commission. This proposed text would be added at the end of 4.015.

#### **Exceptions to the minimum number of parking spaces.**

The minimum number of required parking spaces through the exceptions of this provision may not be reduced by more than 50 percent or below 4 parking spaces, whichever is greater. The 50 percent limit applies cumulatively to all exceptions in this provision.

1. Retail Trade spaces of 5,000 s.f. or less may reduce the number of spaces required if the retail space includes designated storage areas. For every 150 s.f. of storage area, 1 space may be eliminated up to 4 spaces total.
2. Bicycle parking may substitute for up to 4 spaces of required parking. For every three bicycle parking spaces, the motor vehicle parking requirement is reduced by one space. Bicycle racks should not interfere with vehicular or pedestrian circulation. Existing parking may be converted to take advantage of this provision.
3. Exceptions for sites where trees are preserved. Minimum parking may be reduced by one parking space for each tree 12 inches in diameter and larger that is preserved. A maximum of 2 parking spaces or 10 percent of the total required may be reduced, whichever is greater.
4. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.