



Regional Planning Commission
Kingston Springs, Tennessee

January 12, 2023
Meeting Packet



**Kingston Springs Regional Planning Commission
Meeting Agenda
January 12, 2023**

Submittal Deadline Date: December 9, 2022

The meeting was called to order by _____ at _____ pm.

1. Roll Call of Voting Members:

- Keith Allgood _____
- Tony Campbell _____
- Tony Gross _____
- Mike Hargis _____
- Lauren Hill _____
- Mike Patenaude _____
- Chuck Sleighter _____
- Marie Spafford _____
- Bob Stohler _____

2. Non-Voting Staff:

- Sharon Armstrong _____
- John Lawless _____
- Martha Brooke Perry _____

3. Declaration of Quorum by Chairperson.

4. Motion to approve December 8, 2022, Planning Commission meeting minutes

5. Motion to approve January 12, 2023, Planning Commission meeting agenda.

6. Community Input

7. Old Business

A. Ellersly PUD

1. Performance Bond - Subdivision Regulations - revision to 3-103.303 needed for Performance Bond Form - Existing Language: "All performance bonds shall provide a location within Cheatham County or a county adjoining Cheatham County where such bond(s) may be drawn upon." Proposed Language, "All performance bonds shall provide the name of the issuer, agent, and address sufficient to file a claim upon the bond."
2. Ellersly Final PUD Agreement - With the revised performance bond information above the PUD Agreement can be signed.

B. Golf Club of DBI LLC

1. Grading Plan Amendments - Resubmission of Grading Plan and updated permit application with the following requirements:
 - a) Plans shall be revised to meet requirements for a 25-Year Storm Event.
 - b) The Master Grading Plan and Construction Plans shall be revised to reflect changes resulting from item (a) above.
 - c) Revised Grading Plan shall be submitted along with fees to the City Engineer and Planner for review and revised as required.
 - d) All work on the DBI, LLC site will cease until the stormwater, soil and erosion issues are brought into compliance.
 - e) All suggestions, requirements and input resulting from the scheduled inspection shall be incorporated into the revised Master Grading Plan.
 - f) The Planner will draft and send a letter to the Cheatham County Road Superintendent and Cheatham County Building Official together with an assessment of recommended improvements to South Harpeth Rd. in the areas of violation of stormwater and soil and erosion controls, surface flooding and debris deposited in the ditching and across the roadway affecting adjacent property owners. The developer will provide a plan of improvements and seek approval of the plans from the Cheatham County Building Official and Road Superintendent.
2. Updated PUD Agreement Exhibits - All staff reviewed and approved plans will be provided to the KS Regional Planning Commission at the next scheduled meeting for consideration and action. If approved, the PUD Agreement will be updated to reflect the approved plans.

3. Inspection Report - A report will be provided following the 9 January 2023 Site Inspection.
4. Appointment of Site Monitor - Planning Commission appointment of Site Monitor for The Golf Club of TN and The Golf Club of DBI, LLC.

- C. The Willows – 129 East Kingston Springs Road – Sewer Connection – TDOT
 1. Attorney - Planner Report to the Planning Commission regarding permit requirements for the sewer connection.

8. New Business

- A. 121B Luyben Hills Road. - Site Plan Revision - Change of Use Approved in the December 8, 2022, Planning Commission Meeting.
 1. Site Plan - Staff Report on Beer Cave.
- B. 608 Mt. Pleasant Road. - Plat Revision - Plat Revision - Staff Update if plat provided by surveyor or property owner.
- C. 132 Petro Rd. - Site Plan Revision - Water Lines.
- D. Appointment of Planning Commission Engineer.
 1. City Manager, Planner recommendation.
- E. Update KS Regional Planning Commission By-Laws.

9. Other (For Discussion Only).

- A. Report from City Commission meeting regarding PC recommendation re: communication between Commissioners and Planning Staff; hiring Building Inspector.
- B. Flyer to property owners to relay requirements for a permit in KS.

C. Neighborhood Preservation District Overlay discussion re: nonconforming uses.

D. Harpeth Meadows HOA documents, dedication of roads.

E. Quiz on nonconformity for annual training – Planning Commissioner Quiz.

10. Motion to Adjourn.

The meeting was adjourned by _____ at _____ pm

Mike Patenaude
Planning Commission Chair

Jamie Dupré
City Recorder



**Kingston Springs Regional Planning Commission
Meeting Minutes
December 8, 2022**

Submittal Deadline Date: November 14, 2022

The meeting was called to order by Chair Patenaude at 7:00pm.

1. Roll Call of Voting Members:

Keith Allgood	Present
Tony Campbell	Present
Tony Gross	Present
Mike Hargis	Present
Lauren Hill	Absent
Brian McCain	Present
Mike Patenaude	Present
Chuck Sleighter	Present
Todd Verhoven	Present

2. Non-Voting Staff:

Sharon Armstrong	Present
John Lawless	Present
Martha Brooke Perry	Present (via phone)

3. Declaration of Quorum by Chairperson.

Quorum declared by Chair Patenaude.

4. Motion to approve October 13, 2022, Planning Commission meeting minutes

Motion to approve October 13, 2022, Planning Commission meeting minutes made by Chuck Sleighter, second by Tony Campbell, and passed unanimously.

5. Motion to approve December 8, 2022, Planning Commission meeting agenda.

Motion to approve December 8, 2022, Planning Commission meeting agenda made by Tony Gross, second by Mike Hargis, and passed unanimously.

6. Community Input

- Bill Rodgers – 1660 South Harpeth Road. Issues with Golf Club of DBI development
- Scott Sommers – 795 South Harpeth Road. Issues with Golf Club of DBI development.
- Carolyn Clark – 1048 Ridgecrest Drive. Question on why 279 East Kingston Springs Road BZA application was brought before the Planning Commission.
- Bob Sanders – 225 Woodlands Drive. Question on why 279 East Kingston Springs Road BZA application was brought before the Planning Commission

7. Old Business

A. Ellersly PUD

1. Performance Bond

2. Ellersly Final PUD Agreement

City Planner Armstrong and City Attorney Perry have reviewed and approve the performance bond being presented. Planner Armstrong indicated the form was lacking information on footage of roads and gutters to be provided by the engineer, but the totals are represented on the plan set approved by this Planning Commission. Staff is requesting permission for this document to be executed once that information is inserted. Attorney Perry stated the form in the appendix of the town's Subdivision Regulations does not contain all the information the regulations require and did not have spaces to incorporate some of the terms agreed to in the PUD agreement. This form has been modified to bring it into compliance. Motion to approve the form of the performance bond made by Mike Hargis, second by Tony Campbell and approved unanimously.

Performance Bond will become part of the final PUD agreements on this project which will then be brought back to this Board for approval to be recommended and forwarded to the KS Board of Commissioners for their approval.

B. Golf Club of DBI

1. Off Season Improvements

- Pump House
- Creek House Project
- Temporary Permit issued

Planner Armstrong provided the following updates:

- Staff has received plans for the Pump House and Fire Chief and Building Inspector have reviewed and approved fire suppression.
- Creek House project has been submitted and staff is waiting on a Notice of Coverage for this project. This project will eventually be added to the club's master plan and development plan.
- A Temporary Permit was issued earlier for a temporary restroom trailer and recently came up for renewal and it has been renewed.
- City Planner Armstrong then shared an update on the Golf Club of DBI LLC and recent stormwater issues with their current project. There was an incident several weeks ago regarding soil and erosion and when staff was notified a stop work order

was placed on the project. The debris deposited occurred in the county, outside the jurisdiction of this Planning Commission, but the Town became involved because some of the debris came from a project inside the town limits that is the subject of a grading permit that has been issued to the Golf Club of DBI LLC. Planner Armstrong stated the two things needed to clear the stop work order were an indication from Cheatham County that the roadway had been cleared, and documents from the Golf Club of DBI LLC indicating that they were in compliance with their state notice of coverage and SWPP. These items have been received. In addition, TDEC has assigned an ESPC monitor for the site. TDEC decided not to file a Notice of Violation on the project for this particular incident. Significant improvements have been made to the project soil and erosion control that are within the Town's control and updates made to the project grading plan. With these improvements they have addressed the issues from the Town's perspective. Planner Armstrong stated the stop work order would need to be lifted by the Planning Commission. Planner also stated that moving forward additional soil and erosion controls on the site, including the movement of stored materials, need to be enacted, existing culverts on roadways in the area need to be cleaned, and bigger culverts should be installed where needed. Armstrong requests that with lifting the stop work order the Planning Commission also request Cheatham County to work to clear the ditches and culverts in the area, establish a county grading permit for the project and require a town staff member to make regular site inspections. Motion to lift stop work order, require staff to make regular inspection visits to project site, and recommend to Cheatham County to clear the ditches and culverts in the area made by Brian McCain, seconded by Chuck Sleighter. Mike Hargis declared he was a paying member of the Golf Club of Tennessee. Motion passed with all in favor.

8. New Business

A. Petro Properties LLC 126 Petro Road

- 1. Consideration of Change in Use from vacant to Commercial Office**
- 2. Consideration of Site Plan Approval**
- 3. Signage**
- 4. Construction Plans**

Planner Armstrong discusses proposed project and indicates lot will tolerate requested use and is zoned correctly for the project. Site plan has been reviewed by staff and meets town requirements. Motion to approve change of use made by Mike Hargis, second by Tony Campbell, and passed unanimously. Motion to approve site plan made by Tony Campbell, second by Chuck Sleighter and passed unanimously. No action currently needed on signage or construction plans.

Of note, there is a drainage area along the back of several properties along the south side of Petro Road and with the current and proposed development in that area it will need to be addressed by these property owners. Staff will coordinate a meeting in the future to discuss.

B. 279 E. Kingston Springs Rd.

1. Permit Review

2. BZA Application - Planning Commission Recommendation and Report

Planner Armstrong stated that in the past when there have been challenges to requests by staff for permits or other information those have come to the Planning Commission because the Board of Zoning Appeals regulations and the requirement for a permit are contained in the Zoning Ordinance and the Zoning Ordinance is a document of the Planning Commission. This particular request has a challenge in it on staff requirement for a building permit. In addition, there has been an allegation that it was inappropriately handled by staff. Armstrong stated that staff is requesting to adopt an advisory report by this Board to the KS Board of Zoning Appeals related to the applicant request, that this Board advises the KS Board of Zoning Appeals that the granting of the variance waivers or exceptions requested are a violation of the Kingston Springs Municipal Code, and to advise the KS Board of Commissioners indicating activities and interference by Commissioner Clark in KS Regional Planning Commission duties and authority are inappropriate. Planning Commission members asked questions specific to the property and appeal at issue as well as current permitting roles and responsibilities. In addition, the potential for the town to hire a Building Inspector was discussed.

Motion for the KS Planning Commission to forward an advisory report to the KS Board of Zoning Appeals related to the applicant request made by Tony Campbell, seconded by Keith Allgood. All members voting yes with the exception of Chuck Sleighter voting no. Motion passed. Motion to advise the KS Board of Zoning Appeals that the granting of the variance waivers or exceptions requested are a violation of the Kingston Springs Municipal Code made by Tony Campbell, seconded by Tony Gross. All members voting yes with the exception of Chuck Sleighter voting no. Motion passed. Motion to recommend to the KS Board of Commissioners that they clarify the communication process between town staff and Commissioners made by Tony Campbell, seconded by Chuck Sleighter and approved unanimously. Motion to make a recommendation to the KS Board of Commissioners for the Town to hire a Building Inspector made by Brian McCain, seconded by Keith Allgood and passed unanimously.

C. Training - Discussion of Planning Commission Authority, Responsibilities, Requirements

1. Staff Role, Responsibilities, Requirements

Training item took place through discussion of other agenda topics and Planner Armstrong will be providing questions on the topic to the Commission at next month's meeting.

9. Other (For Discussion Only).

None

10. Motion to Adjourn.

Motion to adjourn the meeting made by Keith Allgood, seconded by Chuck Sleighter.
Meeting Adjourned at 9:20pm

Mike Patenaude
Planning Commission Chair

Jamie Dupré
City Recorder

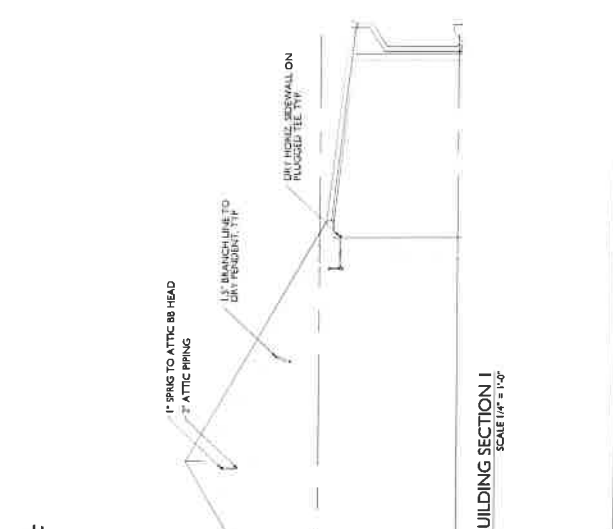


132 Petro Road Kingston Springs, TN 37082
 Job Number: 22-002

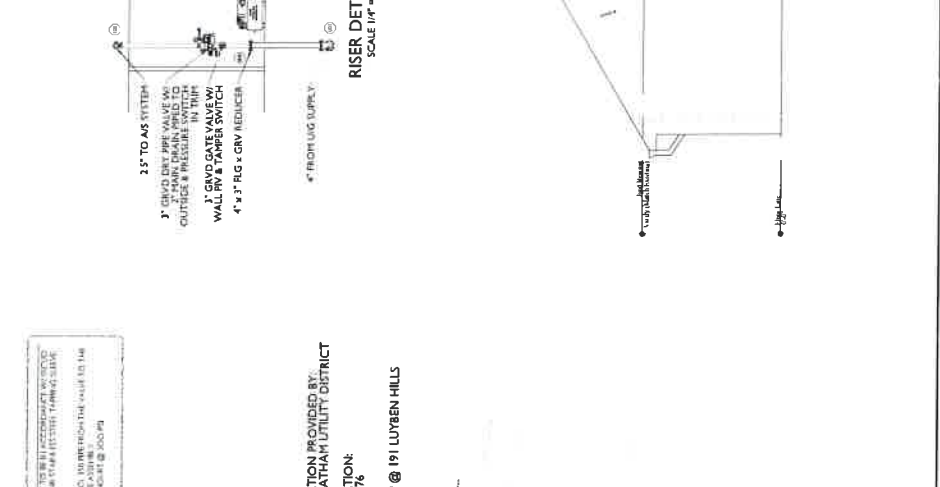
Proposed Addition for:
Punjabi Dhaba Restaurant
 132 Petro Road Kingston Springs, TN 37082
 Job Number: 22-002

FP-1
 Building Section I
 Scale 1/4" = 1'-0"

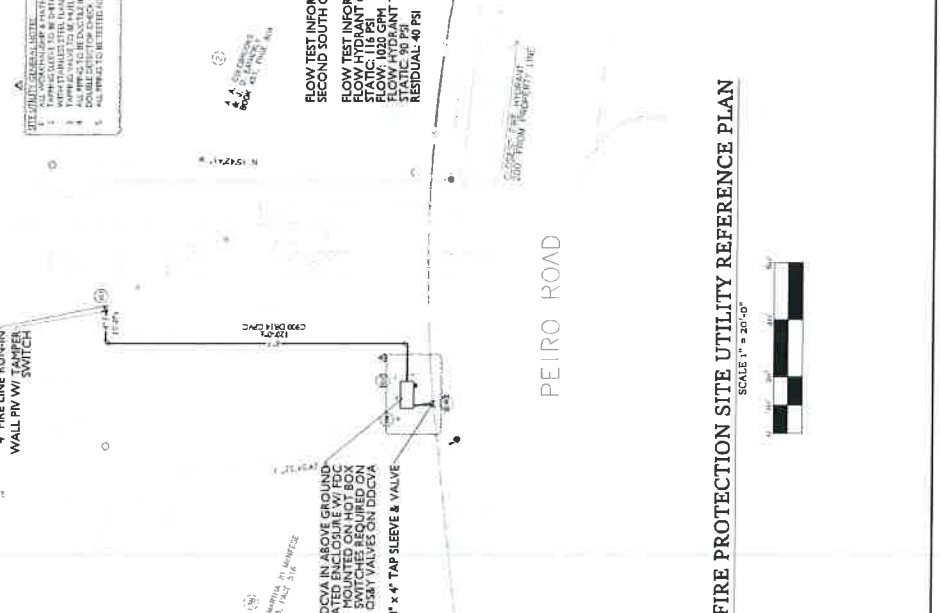
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FOR REFERENCE ONLY - SEE CIVIL PLANS



FOR REFERENCE ONLY - SEE CIVIL PLANS



FOR REFERENCE ONLY - SEE CIVIL PLANS



S.E.

BY-LAWS

KINGSTON SPRINGS MUNICIPAL-REGIONAL PLANNING COMMISSION

GENERAL PROVISIONS

SECTION 1. OBJECTIVE

The objectives and authority of the Kingston Springs Municipal-Regional Planning Commission shall be set forth in Sections 13-3-101 through 13-3-105, and Sections 13-4-101 through 13-4-105, and Chapter 7, Part 2 as applicable, Tennessee Code, and amendments and supplements, thereto.

SECTION 2. OFFICE AND RECORDS OF THE COMMISSION

The office and meeting place of the Kingston Springs Municipal-Regional Planning Commission shall be the Kingston Springs City Hall. The records of the Kingston Springs Municipal-Regional Planning Commission shall be kept in the Office of the Building Official at the Kingston Springs City Hall and shall be available for public inspection. A record of the business conducted at all Kingston Springs Municipal-Regional Planning Commission meetings shall be kept in the book of minutes, which shall record the names of all commissioners present or absent, the names of all persons in attendance, the business conducted, and the vote or abstention of all commissioners on any item of business on which a vote is taken.

SECTION 3. MEMBERSHIP

The membership of Kingston Springs Municipal-Regional Planning Commission shall consist of nine (9) members. One (1) of the members shall be the chief legislative officer of the municipality (mayor or his lawful appointee), one (1) of the members shall be a member of the chief legislative body of the municipality selected by such legislative body and one (1) member shall be the city manager. All other members shall be appointed by the chief legislative officer, (mayor). A record of the membership of the Kingston Springs Municipal-Regional Planning Commission shall be maintained in the book of minutes.

MEETINGS

SECTION 4. ANNUAL ORGANIZATION MEETINGS

The annual meeting of the Kingston Springs Municipal-Regional Planning Commission shall be the regular February meeting of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Kingston Springs Municipal-Regional Planning Commission. Elections shall be held as specified under Section 13.

SECTION 5. REGULAR MEETINGS

Regular meetings of the Kingston Springs Municipal-Regional Planning Commission shall be held at the Kingston Springs City Hall, on the second Thursday, of every month at 7:00 p.m. At such meetings, the Kingston Springs Municipal-Regional Planning Commission shall consider all matters properly brought before the Kingston Springs Municipal-Regional Planning Commission without the necessity of prior notice, thereof, given to any members.

SECTION 6. SPECIAL MEETINGS

Special meetings of the Kingston Springs Municipal-Regional Planning Commission shall be held at a time and place designated by the officer calling the same and shall be called by the Chair or Secretary. Written notice, thereof, shall be given to all the members not less than seven (7) days in advance, thereof, except in case of emergency.

SECTION 7. QUORUM

At any meeting of the Kingston Springs Municipal-Regional Planning Commission, a quorum shall consist of five (5) Commission members. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

SECTION 8. AGENDA

The Building Inspector, Secretary, or other designated official shall have prepared for each meeting an agenda specifying the order in which the items of business shall appear before the Kingston Springs Municipal-Regional Planning Commission. All items, including subdivision plats and zoning requests, shall be submitted at least fifteen (15) normal business days prior to the meeting at which the business is to be discussed. The fifteen (15) day requirement may be waived where, in the opinion of the Kingston Springs Municipal-Regional Planning Commission, circumstances demand immediate consideration. The Secretary shall see to it that the agenda is mailed to each member of the Kingston Springs Municipal-Regional Planning Commission and Staff Representative at least seven (7) days before the meeting.

SECTION 9. VOTING

The voting on all questions coming before the Commission shall be ayes and nays, and unanimous votes and abstentions shall be entered upon the record of such meeting. Any motion for any action before the planning commission, which requires a recommendation to the city board, shall be a motion for the recommendation of such action. The concurring vote of a majority of the commissioners present shall be required to take final action on any motion before the Commission.

SECTION 10. CONFLICT OF INTERESTS

In the event that any member shall have a personal interest of any kind in a matter then before the Kingston Springs Municipal-Regional Planning Commission, she/he shall disclose his/her interest and be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that no vote was cast by such member.

SECTION 11. PROCEEDINGS

At any regular meeting of the Kingston Springs Municipal-Regional Planning Commission, the following shall be the regular order of business:

1. Roll Call
2. Minutes of the Preceding Meeting
3. Public Hearings
4. Old Business
5. Report of the Chair
6. Report of the Building Inspector and City Planner
7. New Business
8. Adjournment.

SECTION 12. RULES OF PROCEDURE

All meetings of the Kingston Springs Municipal-Regional Planning Commission shall be conducted in accordance with Robert's Rules of Order.

OFFICERS

SECTION 13. OFFICERS

The officers of the Kingston Springs Municipal-Regional Planning Commission shall consist of a Chair, Vice-Chair, and Secretary elected by the Kingston Springs Municipal-Regional Planning Commission at the annual meeting for a term of one (1) year. In the event the Secretary shall be absent from any meeting, the officer presiding shall designate an acting Secretary.

The procedures for election of officers are as follows:

- a. The election meeting shall be presided over by staff representative of the Tennessee Local Planning Office acting as Chair pro-tem.
- b. Nominations shall be made by members of the Kingston Springs Municipal-Regional Planning Commission.
- c. The candidate for each office receiving a majority vote of the entire membership of the Kingston Springs Planning Commission shall be declared elected.
- d. All officers shall be elected for a term of one (1) year, and all officers shall be eligible to succeed themselves.
- e. Vacancies in offices shall be filled immediately for the unexpired term by regular election procedure.

SECTION 14. DUTIES OF OFFICERS

The duties and powers of the officers of the Kingston Springs Municipal-Regional Planning Commission shall be as follows:

a. Chair

1. To preside at all meetings of the Kingston Springs Municipal-Regional Planning Commission.
2. To call special meetings of the Kingston Springs Municipal-Regional Planning Commission in accordance with these By-Laws.
3. To sign documents of the Kingston Springs Municipal-Regional Planning Commission.
4. To see that all actions of the Kingston Springs Municipal-Regional Planning Commission are properly taken.

b. Vice-Chair

During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

c. Secretary

1. To keep the minutes of all meetings of the Kingston Springs Municipal-Regional Planning Commission in an appropriate Minute Book.
2. To give or serve all notices required by law or by these By-Laws.
3. To prepare the agenda for all meetings of the Kingston Springs Municipal-Regional Planning Commission.
4. To be custodian of Kingston Springs Municipal-Regional Planning Commission records.
5. To inform the Kingston Springs Municipal-Regional Planning Commission of correspondence relating to business of the Kingston Springs Municipal-Regional Commission and to attend to such correspondence.
6. To handle funds allocated to the Kingston Springs Municipal-Regional Planning Commission in accordance with its directives, the law, and city regulations.
7. To sign official documents of the Kingston Springs Municipal-Regional Planning Commission.

SECTION 15. VACANCIES

Should any vacancy occur among the members of the Kingston Springs Municipal-Regional Planning Commission by reason of death, resignation, disability or otherwise, immediate notice, thereof, shall be given to the Mayor by the Secretary. Should any vacancy occur among the

officers of the Kingston Springs Municipal-Regional Planning Commission, the vacant office shall be filled in accordance with SECTION 3, of these By-Laws, such officer to serve the unexpired term of the office in which such vacancy shall occur.

16. COMMITTEES

Special committees may be appointed by the Chair for purposes and terms which the Planning Commission approves.

17. Hearings

In addition to those required by law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Notice of such hearings shall be published in a newspaper of general circulation within the Town of Kingston Springs at least fifteen (15) days prior to date of such public hearing.

The case before the Planning Commission shall be presented in summary by the chair or a designated member of the Commission and parties in interest shall have privilege of the floor. No statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

A record shall be kept of those speaking before the Commission.

AMENDMENTS

18. AMENDING BY-LAWS

These By-Laws may be amended at any meeting of the Kingston Springs Municipal-Regional Planning Commission provided that notice of said proposed amendment is given to each member in writing at least seven (7) days prior to said meeting.

Feb 8, 2001
Date

David Clark,
Chair

[Signature]
Secretary



SHARON ARMSTRONG <razorback@plansandmorellp.com>

Building Permits Info Dissemination

M & K PATENAUDE <patenaude54@bellsouth.net>
To: SHARON ARMSTRONG <razorback@plansandmorellp.com>

Fri, Dec 9, 2022 at 4:10 PM

Hello Sharon,

In a post meeting conversation last night with a handful of commissioners, we lamented that so few residents are aware of the need to apply for permits for alterations to buildings or property, because most do not attend our information meetings and other attempts to get the word out obviously don't work very well.

So in an effort to reduce the amount of time, effort and frustration spent with uninformed citizens, I'm thinking if we send a short letter to all Kingston Springs owners as part of their property tax notice, and also when a new owner gets title to their property. If it is brief and written in a way to get their attention, it might create more awareness in our town, and maybe reduce the instances of non-compliance.

I'd like to have this discussion at the next Planning Commission meeting to get input to improve this letter as well as whether to even move forward with this idea.

I suspect I may have some incorrect info below, but just wrote it to get the discussion going.
What do you think?

Thanks for all your efforts on behalf of our town.
Mike Patenaude

--- Example ---

Letter on KS letterhead,

Dear Kingston Springs Property Owner,

Avoid losing money on your projects and creating problems with your property improvements.

In the Town of Kingston Springs, before a homeowner can begin a project they must contact our City Hall and complete a building permit and pay the permitting fee before commencing any work. We recommend you do not enter into a contractor agreement before the permit is secured because your scope of work may need modification based on codes and zoning. While a contractor may pull a permit for you, the homeowner and not the contractor is ultimately responsible that a building permit is properly completed. This protects the homeowner in three ways:

1. All permitted work is inspected upon completion and if the contractor has not completed the work to code and as permitted, they will be required to complete the work properly.
2. If a homeowner begins work without completing a permit, the work will be stopped by the town and will not be allowed to continue until an acceptable request for permit is completed, extra fees are paid for unpermitted work, and the project is modified if needed to bring it into compliance with the building code and the zoning ordinance.
3. If a homeowner completes a project without a permit, and that project violates our zoning ordinance or building codes, the remedy will include bringing the project into compliance which may include demolition of all or part of the construction, and extra fees will be paid for unpermitted work.

Permitting also protect our families from structures becoming unsafe through improper construction practices. Permits must be completed for the following types of property improvements:

1. Excavation or grading of any kind to include filling land
2. Pouring concrete
3. Repair of any structure to include accessory structures
4. Remodeling of any structure
5. Changing the use of a structure

If you're unsure whether you need a permit, contact City Hall. If your project does not require a permit, our city staff will tell you, so it's always better to be safe than sorry and check to see if you need a permit. This is covered in paragraph



Are you asking yourself... *Do I need a Permit for that?*

Construction or alterations to structures or property in the Town of Kingston Springs may require a permit.

Permits are required for the following projects:

(Most permit needs apply to both Residential and Commercial projects.)

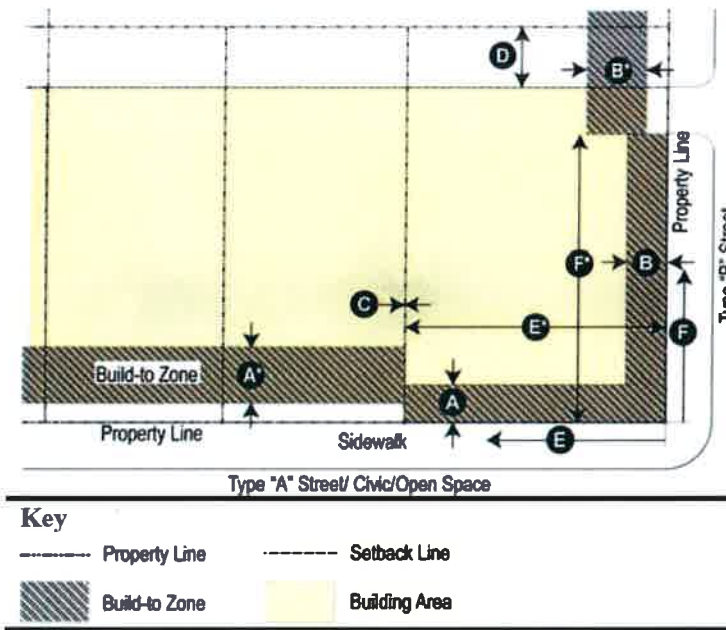
- New Construction – Residential and Commercial
- Building Additions
- Accessory Buildings
- Building Remodeling
- Structural Alterations
- Swimming Pools (all in-ground, *and* above ground pools over 24 inches deep)
- Hot Tub / Spa
- Fences over 6 feet in height
- Decks
- Attached or Detached Garages
- Sheds, Storage buildings or other Accessory Buildings
- Retaining Walls over 4 feet in height
- Signs
- Demolishing or Moving a Structure
- Driveways
- Excavation or Grading
- Street Cuts
- Temporary Use (tents, construction trailers, PODS)
- Firework Sales

If you are not sure if you need a permit for items not listed here please call Kingston Springs City Hall at 615-952-2110 ext. 4. You can obtain permits at City Hall, 396 Spring Street, Monday through Friday from 8am to 4pm or online at kingstonsprings.net

21.89. - (N) Neighborhood Overlay District.



21.89 (a) Building Placement.

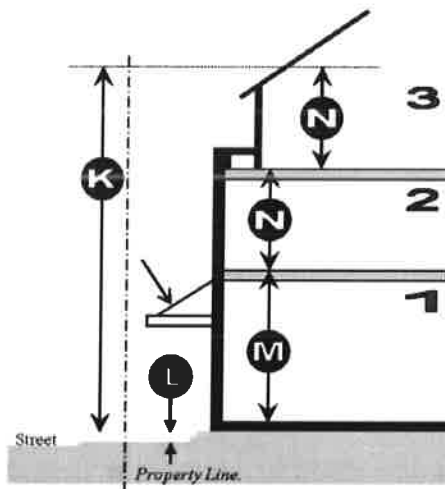


(i) Build-to Zone (BTZ)
 (Distance from property line to edge of the zone)

<i>Corner Lots:</i>		
Front ("Type A" Street/Civic/Open Space)	0' - 10'	A
Front ("Type B" Street)	0' - 10'	B
Width of corner lot build-to zone (both Type A and Type B Streets)	25' (min.) 50' (max.)	E* F*
<i>Interior Lots:</i>		
Front ("Type A" Street/Open/Civic Space)	5' - 20'	A*
Front ("Type B" Street)	5' - 20'	B*
(ii) Setback		
<i>Corner Lots:</i>		
Front ("Type A" Street/Open/Civic Space)	0' (min.) 10' (max.)	A
Front ("Type B" Street)	0' (min.) 10' (max.)	B
<i>Interior Lots:</i>		
Front ("Type A" Street/Open/Civic Space)	5' (min.) 20' (max.)	A*
Front ("Type B" Street)	5' (min.) 20' (max.)	B*
Side	5' (see #1)	C
Rear	5'	D

(iii) Building Form		
Building Frontage required along "Type A" street/civic space/open space	60% (min.) (see #2)	E
Building Frontage required along "Type B" street BTZ	40% (min.) (see #2)	F

21.89 (b) Height.



(i) Building maximum	3 stories (see #3)	K
(ii) Accessory building max.	2 stories (see #3)	
(iii) Min. ground floor elevation (residential uses only)	18" min. above sidewalk (for buildings setback 10' or less) None for buildings setback 10' or more 15 ft. min. for commercial	L
(iv) First floor, floor to floor height	10 ft. min. for residential multi-story * 9' min. for residential single story (measured from floor to finished ceiling)	M

(v) Upper floor, floor to floor height	9' min.	N
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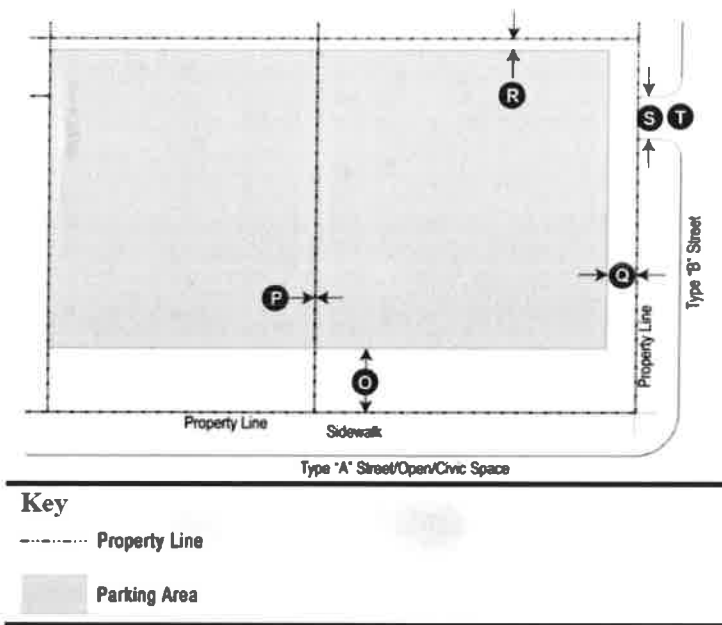
21.89 (c) Encroachments.

Corner Lots: Canopies, signs, awnings, galleries, and balconies may encroach over the R-O-W/sidewalk as long as the vertical clearance is a minimum of 8 ft. and the encroachment does not exceed 50% of the required sidewalk width. In no case shall an encroachment be located over an on-street parking or travel lane.

Interior lots: Porches, stoops, awnings, signs, galleries, balconies, bay windows and other architectural features may encroach into required yards, provided they do not encroach over the front property line.

All encroachments over the public R-O-W shall meet standards in Article 21.142(m).

21.89 (d) Parking.



Key

- Property Line
- █ Parking Area

(i) Location (distance from property line)		
Front setback	25 ft. (min.)	O
Side setback	0 ft. (min.)	P
Secondary street setback	10 ft. (min.)	Q

Rear setback	5 ft. (min.)	R
(ii) Required Spaces		
Number of parking spaces required shall either meet the standard below or as required by the underlying zoning district, whichever is the lesser of the two.		
All uses (except residential uses) Uses under 3,000 sq. ft. Uses over 3,000 sq. ft.	No off-street parking req'd 1 space/300 sq. ft.	
Residential uses	1 space/unit; 0.5 space/studio	

21.89 (e) Historic Preservation.

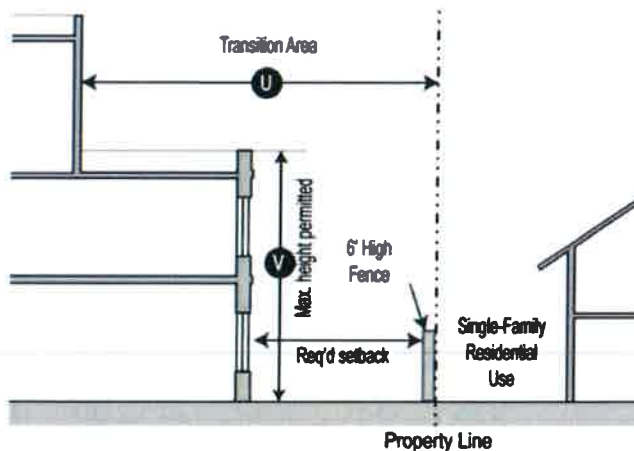
Any changes to historic building facades or demolition of or additions to historic buildings in the Neighborhood Character District shall meet the standards established in Article 21.71 (g).

21.89 (f) Applicability.

Building Form and Development Standards in this Article shall apply to new construction, additions, or substantial modifications that exceed the threshold established under Article 21.142 (o) except as specified under Historic Preservation in 21.89 (e).

21.89 (g) Residential Transition Standards.

The following applies to all buildings located adjacent to an existing, single-family detached residential use.



Transition Area	15 ft. (min.)	U
Max. Building Height at within Transition Area	2 stories	V
<ul style="list-style-type: none"> A 6 ft. high fence shall be installed at the property line adjacent to the existing residential use. 		
Notes		
#1 - Side setbacks shall be based on minimum fire separation required between buildings, if applicable		
#2 - Corner building street facades must be built to the BTZ for a minimum of 25' from the corner along both streets or the width of the corner lot, whichever is less.		
#3 - Attics and mezzanines less than 7 ft. (avg.) height shall not be counted as a story.		
#4 - Mansard roofs are not permitted.		
#5 - Any frontage along a public street (except alleys) defined by a surface parking lot at the BTZ shall be defined by a 4 ft. Street Screen built within the BTZ.		
#6 - Parking driveway width	24 ft. max.	S
#7 - On corner lots, driveway shall not be located on a Type "A" Street unless the property has no feasible access to either a Type "B" street or vehicular alley.		T
#8 - Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.		
#9 - <u>Article 13.1</u> of the City of Owensboro Zoning Ordinance shall apply for design of off-street parking areas.		

#10 - Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way or single-family residential uses. In addition to a parapet wall no higher than 42 in., the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a screen that is at least as tall as the equipment itself.

#11 - Building mass shall be stepped down when it is adjacent to any existing single-family detached residential use.

#12 - Off-street loading and unloading shall be located along Type "B" Streets or alleys only unless the property has no feasible access to either a Type "B" Street or vehicular alley.

(Ord. No. 8-2015, § 2, 4-21-2015)