

ORDINANCE NO. 2019-002

AN ORDINANCE TO ADOPT AMENDMENTS TO THE CITY OF EAGLEVILLE, TENNESSEE'S ZONING ORDINANCE, BY AMENDING ORDINANCE 2016-009

Whereas, the Eagleville Municipal Planning Commission has duly recommended to the Eagleville City Council that the Official Zoning Ordinance of Eagleville, Tennessee, be amended as hereinafter described; and

Whereas, the Eagleville City Council has reviewed such recommendation and had conducted a public hearing thereon.


NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EAGLEVILLE, TENNESSEE, AS FOLLOWS:

That the Official Zoning Ordinance of the City of Eagleville, Tennessee, is hereby amended by the attached amendments to wit:

BE IT ENACTED that this ordinance shall take affect from and after its adoption, the public welfare requiring it.


Recommended by the Eagleville Municipal Planning Commission on: January 7, 2019

Approved:



Chad Leeman, Mayor

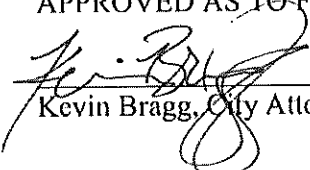
ATTEST:



Phillip Dye, City Recorder

Passed First Reading: January 24, 2019
Passed Second Reading: March 28, 2019
Public Hearing Held: March 28, 2019
With 15 day notice given in the Rutherford Reader

APPROVED AS TO FORM:



Kevin Bragg, City Attorney

Clarification of Zoning Amendments
Ordinance 2019-002

1. Bed and Breakfast - requiring owner to live on site so that it does not become an Air BnB .
2. Buffer Strip - improves buffer but also gives PC more flexibility.
3. Building Area of Lot - clarifies that there is a FRONT setback, along with sides and rear.
4. Convenience Commercial Services - allows for drop off/pick up laundry not cleaned on site.
5. Frontage - fixed typo.
6. Hotel - No definition existed. Requires 30 or more rooms.
7. Lot Frontage - requires frontage to be continuous. Yes, people have created U-shaped lots where the frontage does not meet along the road.
8. Motel - No definition existed. Required to have 15 to 30 rooms.
9. Yard - clarifying what is meant by yard. Removing the part about accessory buildings so they can be addressed per zone.
10. Yard, Front - clarifying that it's not where the structure is located but where the required setback is in relation to property line.
11. Yard, Rear - clarifying that it's not where the structure is located but where the required setback is in relation to property line.
12. Yard, Side - clarifying that it's not where the structure is located but where the required setback is in relation to property line.
13. Section 3.030 - requires all new lots to have street frontage.
14. Section 3.030 B - pertains to lots that have the correct frontage but choose to use another entrance/exit. Sets standards for that entrance/exit. 3.030 C - requires private streets to be built to city standards. This is primarily for condominiums.
15. Section 3.100 - Deleting Ag references to address in only one section.
16. 4.030 G - Delete this use.
17. 4.060 A - No setbacks were specified for inground pools. This will require 10 feet from water's edge for inground and have them count towards the maximum coverage.
18. 4.060 B - Deleting the Code year and requiring pools to meet whatever Code is adopted.

19. 5.041 B 2 - Clarifies garden sheds are structures. Also requires that any structure larger than 200 and/or taller than 15 feet meet the same setback as the principal structure. When considering adoptions of this section, this number can be flexible but the intent is to not allow large buildings right up next to someone else's property line.
20. 5.041 - specifically not permitting short term rentals airbnb.
21. 5.041 - this clarifies that the lot width is measured at the required setback line, not wherever it can fit. Think of pie-shaped lots. This is to help avoid very narrow lots at the street.
22. 5.042 B - Clarifies garden sheds are structures. Also requires that any structure larger than 200 and/or taller than 15 feet meet the same setback as the principal structure. When considering adoptions of this section, this number can be flexible but the intent is to not allow large buildings right up next to someone else's property line.
23. 5.042 D - specifically not permitting short term rentals airbnb.
24. 5.041 E - this clarifies that the lot width is measured at the required setback line, not wherever it can fit. Think of pie-shaped lots. This is to help avoid very narrow lots at the street.
25. 5.042 B - Clarifies garden sheds are structures. Also requires that any structure larger than 200 and/or taller than 15 feet meet the same setback as the principal structure. When considering adoptions of this section, this number can be flexible but the intent is to not allow large buildings right up next to someone else's property line.
26. 5.042 D - specifically not permitting short term rentals airbnb.
27. 5.042 E 1 Changes minimum lot sizes in R-2 zone.
28. 5.042 E 2 Adds in setbacks for Duplex and Special Permit uses which was no in the zone.
29. High Density Residential Zone: Struck multi family. Requires high density to be on STEP. Strikes Mobile Home Parks. Reemphasizes that we do not allow airbnb. Increases the minimum lot size. Adds setbacks for Special Permit Uses.
30. Commercial 1 Zone. Requires site plan approval for any change in use, not just new buildings, Strikes vague language as "other similar uses", Strikes Hotel/Motel, Strikes apartments in second levels, corrects the shall/may use, lays out criteria that must be met for outdoor sales unless PC allows otherwise, outdoor sales only during store hours, deletes drop off recycling. (any existing station would be grandfathered).
31. In C-1 allows for a produce stand in our downtown (farmer's market).
32. C-2 Zone. Strike social clubs, provides no outdoor kennels for vets, strikes automotive repairs - made it a special exception, strike mini storage and move to special permit, strike motels.
33. C-2 Zone. Strike race track and drag strips.

34. In C-3 Zone - all lots to have 15 % green space.
35. In C-3 Zone - accessory structures - increases setbacks.
36. Industrial - strikes novelties and misc notions, tobacco manufacturing, video production.
37. Industrial - allows for vet clinics with outdoor runs.
38. Industrial - sets criteria for accessory structures.
29. Heavy Industrial - deletes uses as shown.

PROPOSED CHANGES TO
ZONING ORDINANCE
EAGLEVILLE TENNESSEE
JANUARY 2019

DEFINITIONS

Section 2.020 Definitions

BED AND BREAKFAST ESTABLISHMENT: A transient lodging establishment, ~~generally in~~ a single family dwelling, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation, where the owner(s) is present and resides in the establishment. A Bed and Breakfast is not considered a “short term rental”.

BUFFER STRIP: A landscaped, vegetative strip not less than ten feet in width and planted the length of the buffer. Such a buffer shall be composed of one row of evergreen trees (height at planting of six feet, minimum maturity height of forty feet), staggered and spaced not more than thirty forty feet apart and not less than two rows of shrubs or hedges (height at planting of three feet, minimum maturity height of six feet), spaces not more than five feet apart, or as otherwise determined by the Planning Commission or Zoning Board of Appeals to sufficiently meet the needs of the buffer.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the front building setback lines.

CONVENIENCE COMMERCIAL SERVICES: Services which are typically needed frequently or recurrently, such as a barber and beauty care; dry cleaner (drop off only – no on-site dry cleaning unless approved by City for STEP system); tailor; and includes but excludes the operation of self-service laundromats ~~but excludes other apparel, cleaning and repair services.~~

FRONTAGE: All the property on one side of a street between two ~~intersection~~ intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

HOTEL: A building, or part thereof, which has a common entrance and general dining room and which contains 30 or more living and sleeping rooms, designed to be occupied by individuals or groups of individuals for compensation. Hotel facilities may include conference facilities and incidental retail and service uses. A Hotel is not designed to become a long term dwelling unit.

LOT, FRONTAGE: That dimension of a lot ~~or portion of a lot~~ abutting on a street, excluding the side dimensions of a corner lot. For the area to count towards a lot's required frontage, the frontage must be continuous.

Motel: A building or group of buildings containing between 15 and 30, in total, guest rooms designed and used primarily for the accommodation of transient automobile travelers for compensation. A Motel is not designed to become a long term dwelling unit.

YARD: An ~~open~~ space on the same lot with the principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided for in this ordinance, ~~provided that accessory buildings may be located in the rear yard.~~

YARD, FRONT: The yard extending across the entire width of the lot ~~between the nearest parts of the principal building, including porches, and the front lot line~~ between the front property line and a distance from the front property line prescribed by this Ordinance.

YARD, REAR: The yard extending across the entire width of the lot ~~between the nearest parts of the principal building, including porches, and the rear lot line~~ between the rear property line and a distance from the rear property line prescribed by this Ordinance.

YARD, SIDE: The yard extending across the entire width of the lot ~~between the nearest parts of the principal building, including porches, and the rear lot line~~ between the side property line and a distance from the side property line prescribed by this Ordinance.

GENERAL PROVISIONS

Section 3.030

All buildings and building lots shall have permanent access to a public road. ~~No building shall be erected on a lot which does not abut at least one (1) public street for a distance of at least fifty (50) feet.~~ This section shall not apply to:

Section 3.030 B and C

B. properties that have the minimum required road frontage for the zoning district but whose access is provided by a private easement; provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed from other property, such easement shall be at least thirty (30) feet in width at all points and shall not be used to provide access to more than one (1) lot or tract of land;

C. properties, developments, tracts, lots, etc. and the buildings thereon with permanent access provided by private streets that have been built to City standards, except that the width of the road may be determined by the Planning Commission as to what is necessary and sufficient for the development, provided such development is in the form of a condominium ownership or such private improvements which has been approved by the planning commission and will be in private ownership and control in perpetuity;

Section 3.100

Section to stay the same until ...

~~Agriculture accessory buildings which are intended for boarding or raising of livestock shall not be located within two hundred (200) feet of any adjacent residential or commercial building.~~

Delete paragraph noted above and address within Agriculture Regulations

SUPPLEMENTARY PROVISIONS

Section 4.030 G

G. ~~Temporary Dwelling Units in Case of Medical Hardships:~~ Delete section in its entirety.
Reserved for Future Use.

Section 4.060 A

A. No swimming pool or part thereof, excluding aprons, walks shall protrude into any required front yard in the Residential Districts and must be a minimum of ten (10) feet from any property line. Swimming pools shall count in the overall maximum coverage of a lot.

Section 4.060 B

B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall comply with the 2012 International Swimming Pool & Spa Code as adopted by the City of Eagleville or other such Code as may be adopted hereafter.

ZONING DISTRICTS

R-1, LOW DENSITY RESIDENTIAL

Section 5.041 B 2

2. Customary accessory buildings, including private garages, garden sheds, and non-commercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line. Any customary accessory building larger than two hundred (200) square feet and/or taller than fifteen (15) feet must meet the setbacks for the principal structure. ~~Agricultural accessory structures shall be regulated to their location on all lots as provided in Article III, Section 3.100 of this ordinance.~~ (Agricultural accessory structures to be address in Agricultural Regulations.)

Section 5.041 D (R-1, Low Density Residential)

Any use not specifically permitted, including short term rentals, or use not permitted upon approval as a special exception by the Board of Zoning Appeals is prohibited.

Section 5.041 E (R-1, Low Density Residential)

Area 2 acres (no change)

Lot Width at Required Front Building Setback

Lot Width at Road Frontage (no change)

R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 5.042 B Uses Permitted

1. Customary accessory buildings, including private garages, garden sheds, and non-commercial workshops, provided they are located in the rear yard and not closer than five (5) feet to any lot line. Any customary accessory building larger than two hundred (200) square feet and/or taller than fifteen (15) feet must meet the setbacks for the principal structure. ~~Agricultural accessory structures shall be regulated to their location on all lots as provided in Article III, Section 3.100 of this ordinance.~~ (Agricultural accessory structures to be address in Agricultural Regulations.)

Section 5.042 D (R-2, Medium Density Residential)

Any use not specifically permitted, including short term rentals, or use not permitted upon approval as a special exception by the Board of Zoning Appeals is prohibited.

Section 5.042 E 1 (R-2, Medium Density Residential)

Single Family – no change

Duplex, Non Single Family and Special Permit Uses

With Public Sewer 25,000- 30,000

Without Public Sewer 30,000 40,000

Lot Width at Required Front Building Setback - no change

Lot Width at Road Frontage – no change

Section 5.042 E 2 Minimum Yard Requirements (R-2, Medium Density Residential)

Front Yard Setback 35 Feet

Side Yard Setback 15 Feet

Rear Yard Setback 20 Feet

Duplex and Special Permit Uses

Front Yard Setback 40 Feet

Side Yard Setback 25 Feet

Rear Yard Setback 30 Feet

R-3, HIGH DENSITY RESIDENTIAL

Section 5.043 (R-3, High Density Residential District)

This district is designed to provide suitable acres for high density residential development where sufficient urban services, specifically including water services adequate to provide fire protection and public water service is available or where the extension of such services and facilities will be physically and economically facilitated. Most generally this district will be characterized by residential structures each containing a multiple number of dwelling units as well as single-family and duplex dwellings. However it is the intent of this ordinance to not restrict in number the dwelling units contained in a building provided there is sufficient area of the lot and open space on such lot relative to the number of dwelling units thereon. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance. All such uses in the R-3 Zone must be connected to the Eagleville STEP system.

5.043 B (R-3, High Density Residential District)

~~2. Multi-family dwellings and apartments.~~ Reserved for future use.

5.043 C (R-3, High Density Residential District)

~~6. Mobile Home Parks.~~

5.043 D (R-3, High Density Residential District)

Any use not specifically permitted, including short term rentals, or use not permitted upon approval as a special exception by the Board of Zoning Appeals is prohibited.

5.043 E (R-3, High Density Residential District) Dimensional Requirements

1. Minimum Lot Size

Single Family	7,500 square feet	10,000 square feet
Duplex Dwelling Unit	10,000 square feet	15,000 square feet
Special Permit Uses		20,000
Multi Family Dwelling Unit	10,000 square feet for the first unit plus 2000 square feet for each additional unit in the overall development.	

Minimum Lot Width at Required Front Building Setback

Single Family Dwelling	75 feet
Duplex Dwellings	100 feet
<u>Special Permit Uses</u>	<u>100 feet</u>
Multi Family Dwellings	150 feet

Minimum Lot Width at Road Frontage 50 feet (35' in cul-de-sac)

5.043 E Minimum Yard Requirements (R-3, High Density Residential District)

2. Single Family and Duplex Dwellings

Front Yard Setback	30 feet
Side Yard Setback	10 feet
Rear Yard Setback	20 feet

Minimum Yard Requirements

Multi Family Dwellings

<u>Front Yard</u>	<u>60 feet</u>
<u>Side Yard</u>	<u>25 feet</u>
<u>Rear Yard</u>	<u>30 feet</u>

Special Permit Uses

<u>Front Yard</u>	<u>60 feet</u>
<u>Side Yard</u>	<u>25 feet</u>
<u>Rear Yard</u>	<u>30 feet</u>

COMMERCIAL DISTRICT C-1

Section 5.051 B (C-1 Central Business District)

B. Uses Permitted By Site Plan Approval of the Planning Commission Unless No Change in Use.

B. 3. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores ~~and other similar uses.~~

~~B. 7. Hotels and Motels~~

~~B. 16. Upper story residential dwellings*~~

17. Except where exempted herein, storage shall be located inside a building and shall comply with the following standards:

a. Exemptions

1) The following forms of outdoor storage ~~shall~~ may be located outside of a building and ~~are not~~ may not be required to be fully covered or screened:

~~i. Temporary outdoor sales areas;~~ Reserved for Future Use (This is addressed in Section "e".)

e. Outdoor Sales Area. Outdoor Sales areas must meet the following criteria unless otherwise approved by the Planning Commission:

1) Outdoor sales areas associated with retail or commercial uses, shall:

i. Be located immediately adjacent to the front building façade

ii. Not encroach into areas used for ingress and egress into the structure

iii. Maintain a minimum pedestrian walkway of at least five feet in width along the front of the display; and

iv. Take place only on an improved surface such as the sidewalk or pavement; and

v. Must be held only during store open hours.

f. Produce Stand - Move entire section to 5.050 D. Uses Permitted as Special Exception (C-1 Zone) and 5.052 D Uses Permitted as Special Exception (C-2 Zone)

g. Recycling Drop-Off Stations – Delete section in its entirety.

~~*The creation of upper story residential requires a permit from the city based on the work required to convert space to a residence, and requires at a minimum a safety inspection in the case that no work is required in the conversion that would typically require a permit. At the 2016 amendment to this zoning ordinance, the known legal non-conforming C-1 residences (ie not located in upper stories) were at 143 South Main (rear apartment); 147 North Main (two ground level apartments); 183 South Main (home divided into two residential units); 138 Allisona Road (single family house); and 185 Allisona Road (single family house).~~

5.051 E Uses Permitted as a Special Exception

6. Produce Stand. Shall be limited to the retail sale of agricultural produce, shall not exceed 750 square feet in area, must show provision for adequate ingress, egress, and off-street parking areas; and, be subject to the sign standards of 4.080.

GENERAL COMMERCIAL DISTRICT, C-2

5.052 C-2, General Commercial District

B. Uses Permitted By Site Plan Approval of the Planning Commission Unless No Change in Use.

B. 2. Community assembly, including civic, ~~social~~. Fraternal and philanthropic institutions, ~~private clubs and lodges~~, and temporary nonprofit festivals.

B. ~~6. Boarding and rooming house.~~ Reserved for future use.

B. 7. Animal Care and Veterinarian Clinics – no outdoor kennels or runs permitted.

B. ~~11. Automotive service and repairs, including the sale of gas, oil, tires, and other goods and services required in the operation of automobiles.~~ Move section in its entirety to Special Exception Uses.

B. ~~20. Mini-storage, Self-Storage, and other Storage Units~~ Move section in its entirety to Special Permit Uses.

B. 23. Hotels and Motels. Move Hotels to Special Exception Uses.

5.052 C-2 General Commercial District

D. Uses Permitted as Special Exception

4. ~~Race Tracks and Drag Strips~~ Reserved for Future Use.

6. Automotive service and repairs, including the sale of gas, oil, tires, and other goods and services required in the operation of automobiles.

7. Mini-storage, Self-Storage, and other Storage Units.

8. Hotels.

5.052 B. Uses Prohibited. This has been wrongly numbered. It should be 5.052 E.

5.052 C. Dimensional Requirements. This has been wrongly numbered. It should be 5.052 F.

5.052 C 3 Maximum Lot Coverage (Will change to be numbered 5.052 F 3)

3. ~~No maximum lot coverage shall be imposed in the C-2 District.~~ All lots must maintain a minimum of fifteen (15) percent green space.

7. Accessory structures shall meet all principal front setback requirements, be located at least ~~five (5)~~ ten (10) feet from any side and rear lot line, and from any building on the same lot.

INDUSRIAL DISTRICT REGULATIONS

5.061 B. Uses Permitted By Site Plan Approval of the Planning Commission Unless No Change in Use.

8. Miscellaneous manufacturing including jewelry, silverware, and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, and costume jewelry, ~~novelties and miscellaneous notions, tobacco manufacturing, motion picture production.~~

17. Animal Care and Veterinarian Clinics – outdoor kennels and runs permitted when nuisance controls are in place.

5.052 F Dimensional Requirements

4. Height Requirements. No principal structure shall exceed forty (40) feet in height, except as provided in Article VI, Section 6.030. No accessory structure shall exceed twenty (20) feet in height, or one and a half stories.

HEAVY INDUSTRIAL DISTRICT I-2

5.062 E Uses Permitted Uses By Site Plan Approval of the Planning Commission Unless No Change in Use.

~~2. Mining, drilling and quarrying activities.~~

~~3. Meat products manufacturing.~~

~~6. Rubber and plastic products manufacturing.~~

9. Solid waste disposal, subject to approval of the Rutherford County Environmentalist; the Tennessee Department of Health and Environment. This category is not intended to allow Land Fills.

5.062 G Uses Permitted as Special Exceptions

~~1. Stone, clay and glass production manufacturing.~~

~~3. Petroleum refining and related industries.~~

~~5. Automobile wrecking, salvage, and junk yards, as regulated in Article IV, Section 4.090.~~

~~6. Lots or yards for scrap or salvage operations, or for processing, storage, display, and/or sales of any scrap or salvage materials.~~