M E M O R A N D U M

Rutherford County Regional Planning Commission

DATE: April 15, 2013

TO: Rutherford County Public Works Committee and Board of Commissioners

FROM: Rutherford County Regional Planning Commission

RE: Public Hearing Scheduled for the Following Requests—to be heard at the **May 16, 2013** Board of Commissioners Meeting

The Rutherford County Regional Planning Commission acted on the following requests at its scheduled meetings on April 8, 2013:

1. **Rezoning Request: 13-A006 – Edgar Arnold**
   Commissioner: Gary Farley
   Recommendation for **Approval** (10 for, 0 against)
   Location: 3892 Shelbyville Highway
   Tax Map: 136 Parcel: 42.02
   Size of Site: Approximately 8.05 acres
   Existing Zoning: Medium Density Residential (RM)
   Proposed Zoning: Commercial Services (CS)

2. **Rezoning Request: 13-A007 – Howard and Susan Wilson**
   Commissioner: Jack Black
   Recommendation for **Approval** (10 for, 0 against)
   Location: 6241 Browns Mill Road
   Tax Map: 60 Parcels: 37.00
   Size of Site: Approximately 22.2 acres
   Existing Zoning: Medium Density Residential (RM)
   Proposed Zoning: Agricultural Residential (AR)

3. **Rezoning Request: 13-A008 – Planning Department**
   Commissioner: Joe Frank Jernigan
   Recommendation for **Approval** (10 for, 0 against)
   Location: 305 Double Springs Road
   Tax Map: 103 Parcels: 27.00
   Size of Site: Approximately 9.6 acres
   Existing Zoning: Medium Density Residential (RM)
   Proposed Zoning: Agricultural Residential (AR)

4. **Various Zoning Ordinance Amendments: 13-5001 (AKA – The "Glitch Ordinance") – Planning Department**
   Various amendments to the text of the Zoning Ordinance
   Recommendation for **Approval** (10 for, 0 against)

Action was also taken on the following item, but the request was withdrawn at the request of the applicant, and therefore, will not be heard by the Board of Commissioners:

1. **Rezoning Request: 13-A009 – Bryan Carr, LoJac Enterprises, Inc.**
   Commissioner: William (Trey) Gooch
   Recommendation for **Denial** (6 for, 4 against)
   Location: Old Nashville Highway
   Tax Map: 70 Parcels: 55.01
   Size of Site: Approximately 110 acres
   Existing Zoning: Medium Density Residential (RM)
   Proposed Zoning: Heavy Industrial (HI)
   Application Withdrawn on April 9, 2013

Rutherford County Regional Planning Commission Staff Report

Board of Commissioners Meeting Date: May 16, 2013

Case Number:	13-A006
Staff Recommendation:	**APPROVE**
Planning Commission Recommendation:	**APPROVE (10 For, 0 Against)**
Request by:	Edgar Arnold, applicant & owner
Property Address:	3892 Shelbyville Highway
Commission District:	7 – Gary Farley
Urban Growth Boundary:	Murfreesboro UGB

Applicant Request

Rezoning: To Commercial Services (CS)

Purpose of District

The Commercial Services district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; eating and drinking places; financial institutions; and offices. However, it is not intended that this district permit uses which generate large volumes of truck traffic, and certain activities that have lower performance characteristics are prohibited. Less building bulk is permitted, and more open space and buffering are required (Section 602 B).

Site Characteristics

Current Zoning: Medium Density Residential (RM)
Current Use: Vacant
Adjacent Uses : Commercial, County Quarry, and Single Family Residential
Size of Tract: approximately 8.05 acres

Comprehensive Plan

The Rutherford County Comprehensive Plan classifies Shelbyville Highway as an Urban Corridor which allows commercial and industrial uses. This property is also located within the Urban Character Area.

- Goal statement objective 1.B; "Guide development to create commercial and residential nodes rather than residential sprawl"
- Goal statement 2; "Cultivate an environment attractive to new business investment and retention and expansion of existing businesses"

Proposal supported by Comprehensive Plan

Yes, this proposal would be within the recommended uses for the Urban Corridor.

Infrastructure

Roads: Shelbyville Highway is a 4 lane divided arterial road with shoulders that has adequate right of way. The 2012 TDOT traffic count on Shelbyville Highway in front of the property was 25,181 vehicles per day.

Utilities: Consolidated Utility District has a 16" waterline on Shelbyville Highway.

Fire Protection: The closest existing fire hydrant is over 2,000 feet away but a new fire hydrant could be supported at this location.

Stormwater: No portion of the property is located within the flood zone.

Proposal Details

Proposed Use: The applicant would like to one day build a commercial development on the property. However, in the short term the applicant wants to place a temporary fireworks tent on the site during the fourth of July period. Based on Section 1101.M of the Zoning Ordinance, firework tents are only allowed in commercial and industrial zones.

Site Design: The site has not been designed yet due to the timeframe for the permanent commercial building.

Access & Parking: The site has two existing access points on Shelbyville Highway. When the site is developed, the applicant will need to work with Tennessee Department of Transportation (TDOT) to acquire a commercial access permit. Paved parking areas as required by section 1102 of the Zoning Ordinance will need to be provided.

Landscaping: If approved, a type 2 bufferyard will be required along any property line adjacent to residential zoning when the site is developed.

Background

In 2003 the property was rezoned to Retail and Wholesale Trade with a Conditional Use Permit to allow Retail Sales of Farm Machinery and Equipment, Farm Machinery and Equipment Repair Shop and Miniwarehouses (A-612). An additional CUP was granted by the Board of Zoning Appeals in 2005 to allow a landscape and building sales yard (BZA05-066). Finally last year a temporary fireworks tent was approved for the site (BZA12-029). Due to the fact that the property was vacant, it was rezoned to RM with the new Zoning Map.

The property is adjacent to approximately 12 acres that is zoned Commercial Services, which includes the M T Bottle bar. Across the street is the Rutherford County Rock Quarry and property zoned Commercial General. The remaining surrounding property is zoned RM or within the City of Murfreesboro.

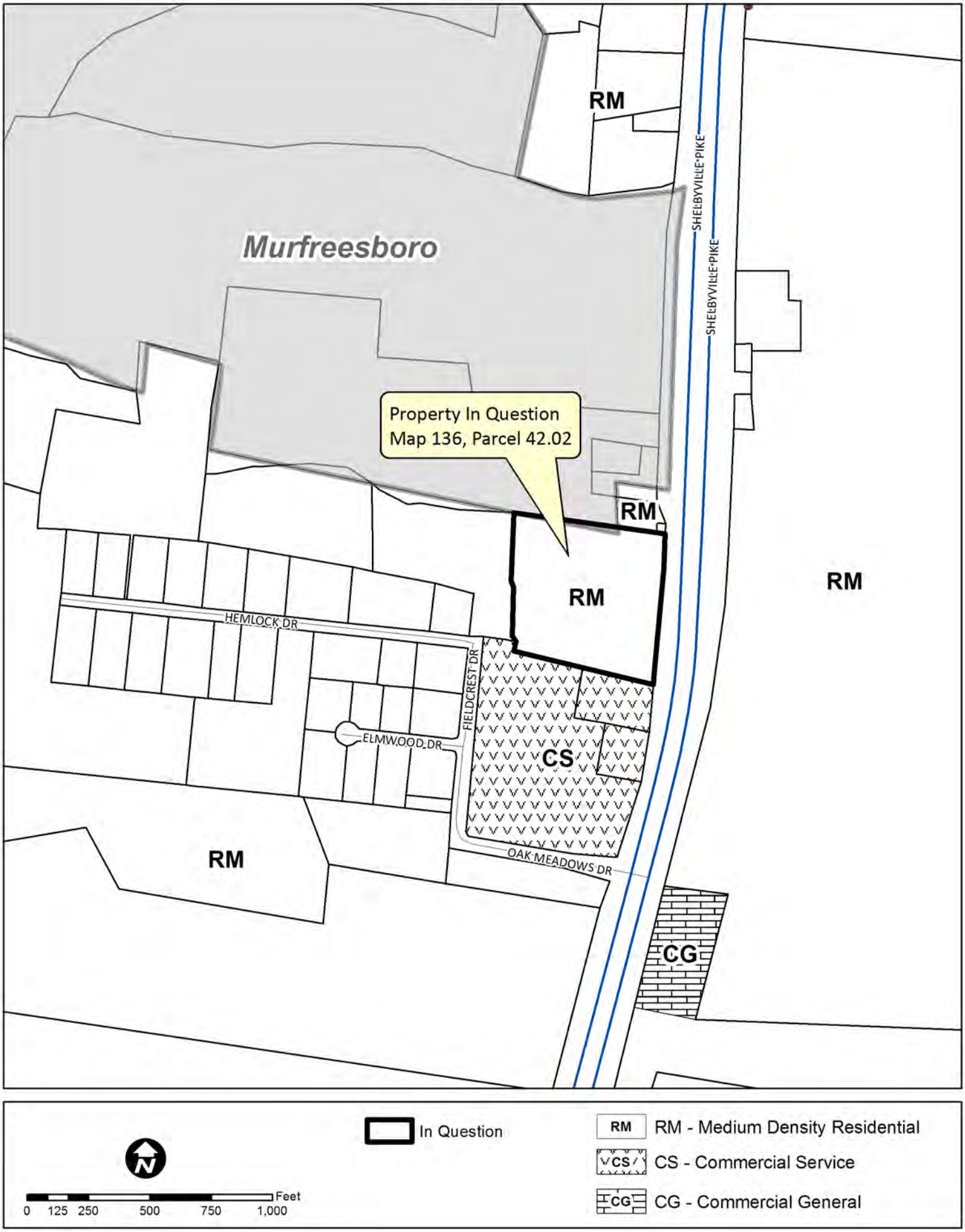
Staff Recommendation

Staff recommends approval. The proposed project is consistent with land use policies within the Comprehensive Plan. The project is also capable of meeting all the zoning requirements found within the Rutherford County Zoning Ordinance.

Attachments

Zoning Map, Aerial Map

13-A006


RM
Murfreesboro
SHELBYVILLE PIKE
SHELBYVILLE PIKE
Property In Question
Map 136, Parcel 42.02
RM
RM
RM
HEMLOCK DR
FIELDCREST DR
ELMWOOD DR
CS
OAK MEADOWS DR
RM
CG
In Question
RM - Medium Density Residential
CS - Commercial Service
CG - Commercial General
Feet
0 125 250 500 750 1,000

13-A006

In Question

Feet
0 120 240 480 720 960

Rutherford County Regional Planning Commission Staff Report

Board of Commissioners Meeting Date: May 16, 2013

Case Number:	13-A007
Staff Recommendation:	**APPROVE**
Planning Commission Recommendation:	**APPROVE (10 For, 0 Against)**
Request by:	Howard and Susan Wilson, applicant and owner
Property Address:	6241 Browns Mill Road
Commission District:	2 – Jack Black
Urban Growth Boundary:	Rural Area

Applicant Request

Rezoning: To Agricultural Residential (AR)

Purpose of District

The purpose of the AR district is designed to provide permissible areas for the growing of crops, animal husbandry, dairying, forestry and other similar activities, which generally occur and characterize rural rather than urban areas. The application of this district is appropriate in any character area in the adopted comprehensive plan where the property is at least 5 acres in size. (Section 402 A). This district also permits and encourages agricultural tourism activities.

Site Characteristics

Current Zoning: Medium Density Residential (RM)
Current Use: Farm and Single Family Residence
Adjacent Uses: Farms and Single Family Residential
Size of Tract: approximately 22.22 acres

Comprehensive Plan

The Rutherford County Comprehensive Plan classifies this property as being within the Suburban Character Area.

- Goal statement 3; "Strengthen rural communities"
- Goal statement 6; "Conserve and enhance significant natural landscapes and historic and cultural resources"

Proposal supported by Comprehensive Plan

Yes, this proposal would be within the recommended uses for all areas in the county. Farms are an important cultural resource to Rutherford County and should be protected when given the opportunity.

Infrastructure

Roads: Browns Mill Road is a 2 lane local road with no shoulders that does not have adequate right of way. The 2012 TDOT traffic count on Lascassas Pike half a mile to the west from the intersection of Browns Mill Road was 8,053 vehicles per day.

Utilities: Consolidated Utility District has a 6" waterline on Browns Mill Road.

Fire Protection: There is an existing fire hydrant within a thousand feet of this property.

Stormwater: Approximately 11 acres of this property is located within the AE flood zone.

Proposal Details

Proposed Use: The applicant will continue to farm the property. The applicant has also indicated that his wife is also planning to host events on the property, such as weddings. Any events/structures would have to comply with all applicable codes and regulations.

Site Design: There are few existing agricultural buildings on the property and the applicant's residence.

Access & Parking: No additional parking is required.

Landscaping: No landscaping is required for this type of use.

Background

There are no previous zoning applications for this property and the surrounding area is zoned Medium Density Residential and Agricultural Residential.

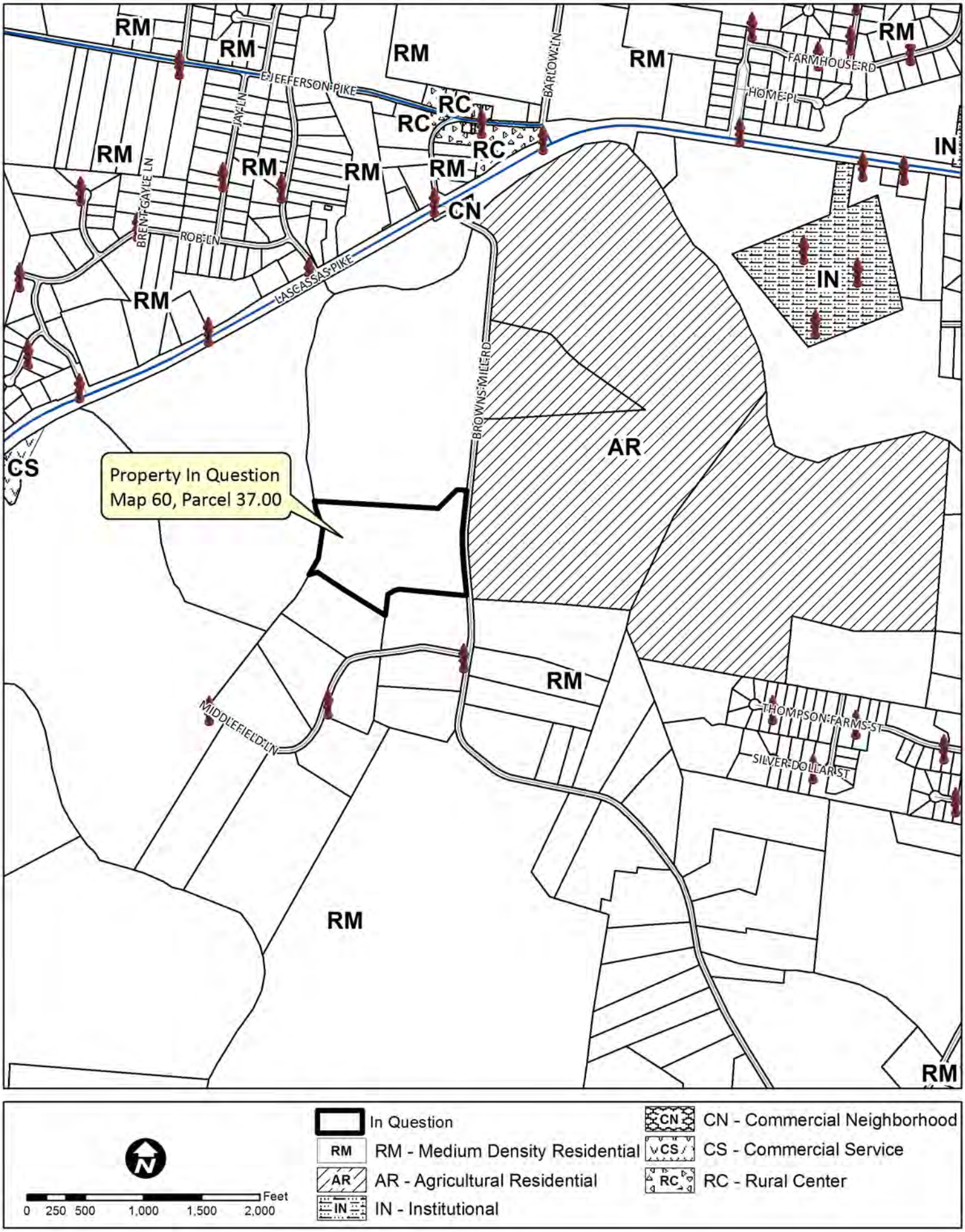
Staff Recommendation

Staff recommends approval. The proposed project is consistent with land use policies within the Comprehensive Plan. The project is also capable of meeting all the zoning requirements found within the Rutherford County Zoning Ordinance.

Attachments

Zoning Map
Aerial Map

13-A007



RM
RC
CN
CS
AR
IN
E JEFFERSON PIKE
JAY LN
BARLOW LN
FARMHOUSE RD
HOME PL
BRENT GAYLE LN
ROB LN
LASCASSAS PIKE
BROWNS MILL RD
MIDDLEFIELD LN
THOMPSON FARMS ST
SILVER DOLLAR ST
Property In Question
Map 60, Parcel 37.00
In Question
RM - Medium Density Residential
AR - Agricultural Residential
IN - Institutional
CN - Commercial Neighborhood
CS - Commercial Service
RC - Rural Center
Feet
0 250 500 1,000 1,500 2,000

13-A007

In Question

Feet

0 250 500 1,000 1,500 2,000

Rutherford County Regional Planning Commission Staff Report

Board of Commissioners Meeting Date: May 16, 2013

Case Number:	13-A008
Staff Recommendation:	**APPROVE**
Planning Commission Recommendation:	**APPROVE (10 For, 0 Against)**
Request by:	Planning Department, applicant; Kenneth and Janet Harris, owners
Property Address:	305 Double Springs Road
Commission District:	6 – Joe Frank Jernigan
Urban Growth Boundary:	Murfreesboro UGB

Applicant Request

Rezoning: To Agricultural Residential (AR)

Purpose of District

The purpose of the AR district is designed to provide permissible areas for the growing of crops, animal husbandry, dairying, forestry and other similar activities, which generally occur and characterize rural rather than urban areas. The application of this district is appropriate in any character area in the adopted comprehensive plan where the property is at least 5 acres in size. (Section 402 A). This district also permits and encourages agricultural tourism activities.

Site Characteristics

Current Zoning: Medium Density Residential (RM)
Current Use: Farm and Single Family Residence
Adjacent Uses: Single Family Residential
Size of Tract: approximately 9.6 acres

Comprehensive Plan

The Rutherford County Comprehensive Plan classifies this property as being within the Urban Character Area.

- Goal statement 3; "Strengthen rural communities"
- Goal statement 6; "Conserve and enhance significant natural landscapes and historic and cultural resources"

Proposal supported by Comprehensive Plan

Yes, this proposal would be within the recommended uses for all areas in the county. Farms are an important cultural resource to Rutherford County and should be protected when given the opportunity.

Infrastructure

Roads: Double Springs Road is a 2 lane local road with no shoulders that does not have adequate right of way. The 2012 TDOT traffic count on John Bragg Highway half a mile to the west of the intersection of Double Springs Road was 12,951 vehicles per day.

Utilities: Consolidated Utility District has a 20" waterline on Double Springs Road.

Fire Protection: There is an existing fire hydrant within a thousand feet of this property.

Stormwater: No portion of the property is located within the flood zone.

Proposal Details

Proposed Use: The applicant will continue to farm the property. For the past three years the applicant has rented his property to Kevin Buck for a haunted woods and corn maze during the month of October. The Board of Zoning Appeals has approved the application every year and there have been no complaints (BZA 2010-10, BZA 2011-48, and BZA 2012-46). Staff expects to receive a new BZA application for October 2013.

Site Design: The property has road frontage on Double Springs and John Bragg Highway.

Access & Parking: The temporary haunted woods and corn maze is accessed from John Bragg Highway. No additional parking is required for this rezoning.

Landscaping: No landscaping is required for this type of use.

Background

During the creation of the new Zoning Ordinance, the Planning Department was accepting any request to voluntarily zone property to the Agricultural Residential (AR) District. Kenneth and Janet Harris requested that the property be rezoned to AR with the new Zoning Map. Unfortunately the request did not make it onto the map, so the Planning Department is sending this rezoning application through to rectify the issue.

The surrounding area is zoned Medium Density Residential and Commercial Services. The Agricultural Residential District will allow the haunted woods and corn maze with restrictions without having to seek special exception approval from the Board of Zoning Appeals (BZA).

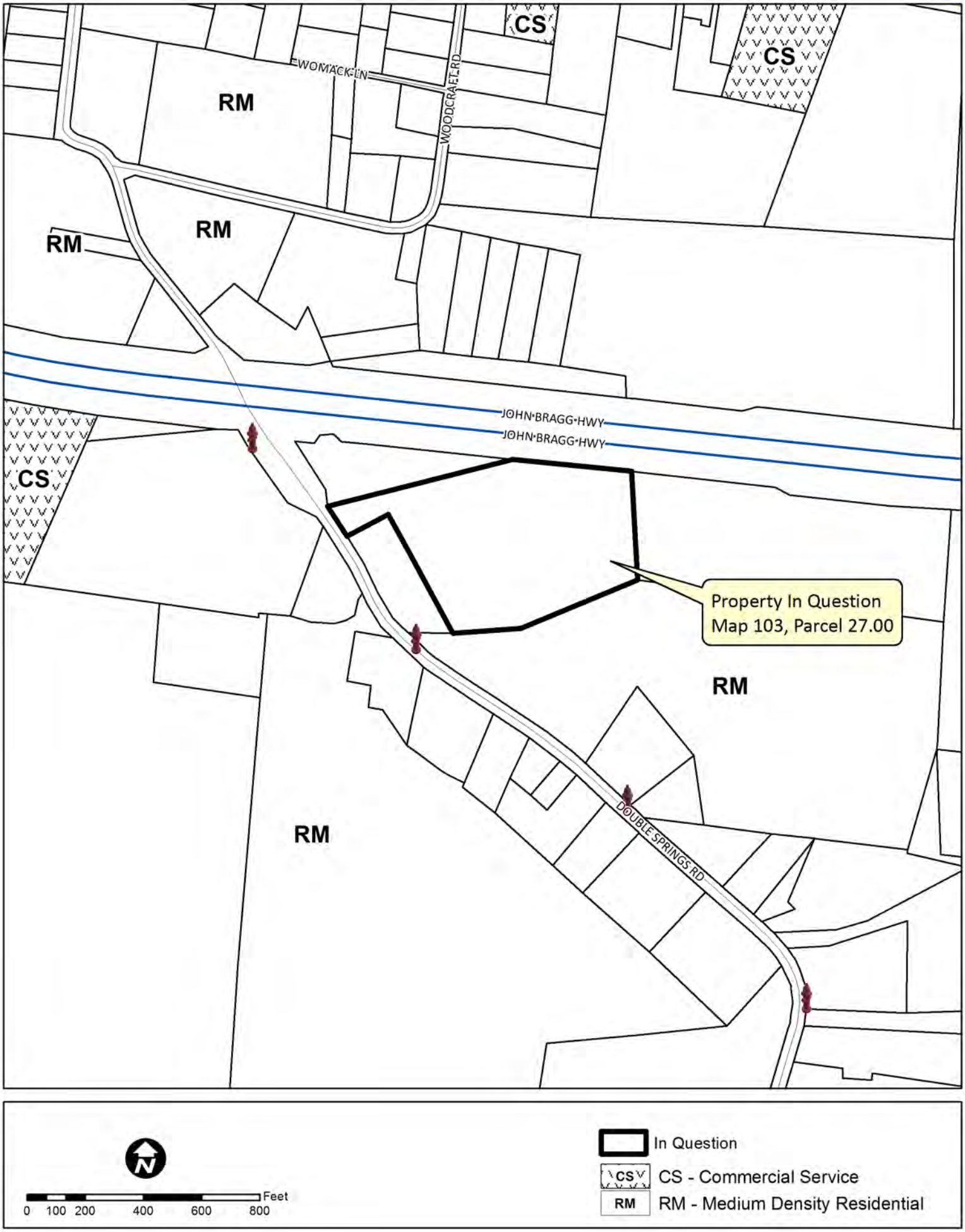
Staff Recommendation

Staff recommends approval. The proposed project is consistent with land use policies within the Comprehensive Plan. The project is also capable of meeting all the zoning requirements found within the Rutherford County Zoning Ordinance.

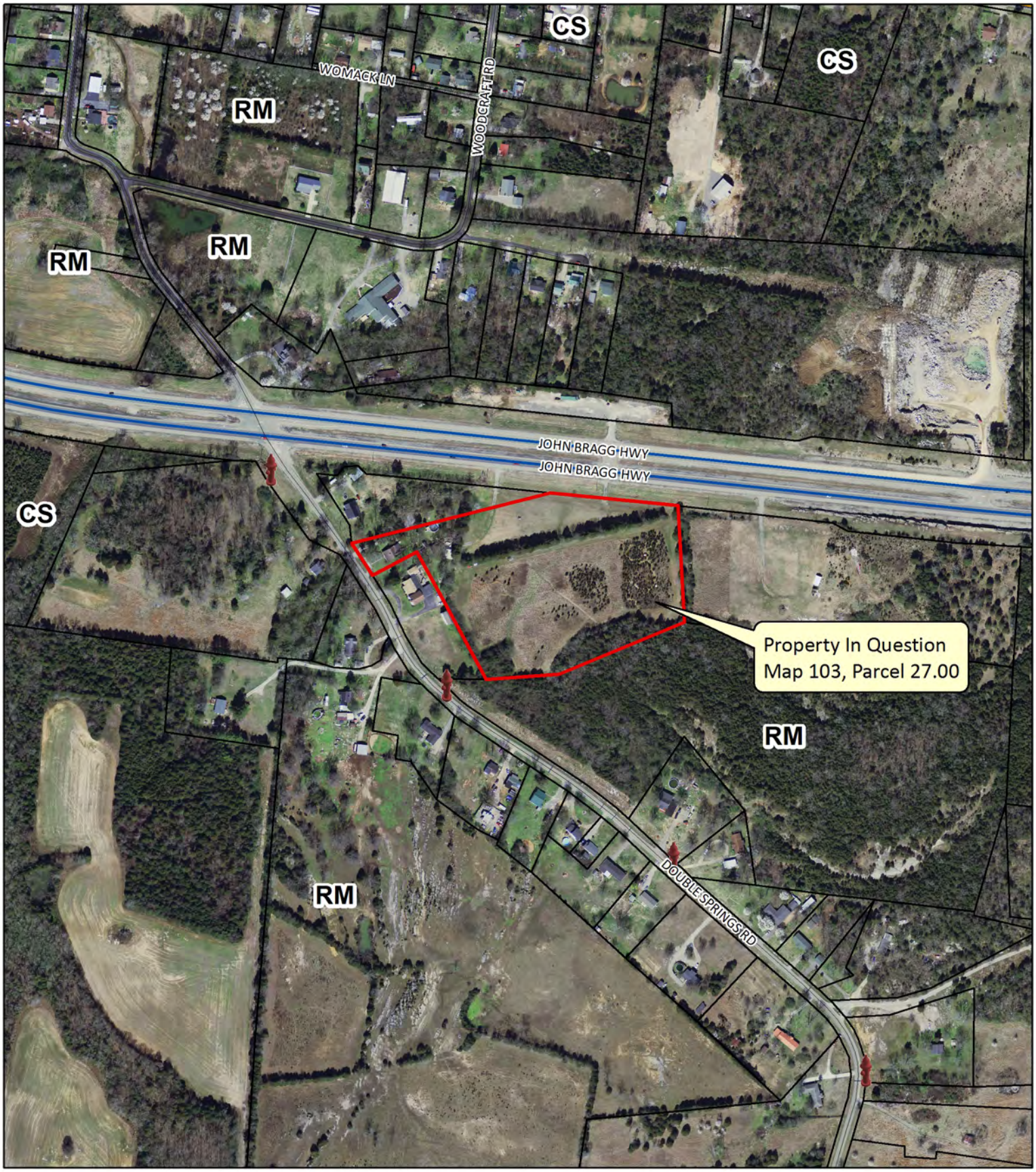
Attachments

Zoning Map
Aerial Map

13-A008


CS
CS
WOMACK LN
WOODCRAFT RD
RM
RM
RM
JOHN BRAGG HWY
JOHN BRAGG HWY
CS
Property In Question
Map 103, Parcel 27.00
RM
RM
DOUBLE SPRINGS RD
N
0 100 200 400 600 800
Feet
In Question
CS - Commercial Service
RM - Medium Density Residential

13-A008



In Question

0 100 200 400 600 800 Feet

Rutherford County Regional Planning Commission

ONE PUBLIC SQUARE SOUTH, SUITE 200
MURFREESBORO, TENNESSEE 37130
PHONE: 615-898-7730 FAX: 615-898-7823

Douglas B. Demosi, AICP
Planning Director

Memorandum

To: **Rutherford County Board of Commissioners**

From: **Douglas B. Demosi, Planning Director**

Date: **April 15, 2013**

Subject: **"Glitch Ordinance" Amendments (13-5001)**

The new Rutherford County Zoning Ordinance took effect on January 1, 2013. Since that time, Staff has identified a number of "tweaks" that need to be made to the ordinance. We will list the proposed amendments by Chapter and also by page of the Zoning Ordinance. The Planning Commission recommended approval of these amendments at their April 8, 2013 meeting by a vote of 10 for and 0 against. The Board of Commissioners will need to hold a public hearing on this matter and then make a decision.

New text is **bolded**. Deleted text is ~~struck through~~. Staff explanations are *italicized*.

Chapter 3 – Establishment of Districts and Provisions for the Official Zoning Map

302.B. (Page 3-2) – Identification and Alteration of the Official Zoning Map

> The Official Zoning Map is identified by the signature of the County Mayor and attested by the County Attorney, and bears the seal of the county under the following words: "This is to certify that this is the Official Zoning Map referred to in Chapter 3 of **the Rutherford County Zoning Ordinance** ~~*Ordinance Number 2012-XX* of Rutherford County,~~

~~Tennessee~~," together with the date of the adoption of this ordinance. The Official Zoning Map is located in the office of the Planning Director.

This change corrects a typographical error in regards to the language on the Official Zoning Map

Chapter 4 – Residential District Regulations

403.A.2. (Page 4-3) – Permitted Accessory Uses

g. Yard sale of personal/household items from a residence **or produce grown** on the same zone lot as the dwelling unit but only if;

   i. Sale occurs no more than three (3) days in a ninety (90) day period of time, and;

   ii. No more than four (4) times a year.

This change allows persons to sell produce grown on the same zone lot as a dwelling unit under the same parameters as yard sales.

Add the Following Sub-points to 403.A.2.:

h. A parents' day out of child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.

i. Private residential homes that provide childcare for four (4) or less children and requires no licensure from the State of Tennessee.

These changes will allow for these customary accessory uses.

Chapter 5 – Office District Regulations

503.A.2. (Page 5-3) – Permitted Accessory Uses – Add:

i. A parents' day out of child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.

This change will allow for this customary accessory use.

Chapter 6 – Commercial District Regulations

603.A.2. (Page 6-3) – Permitted Accessory Uses – Add:

k. A parents' day out of child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.

l. In the CN District, private residential homes that provide childcare for four (4) or less children and requires no licensure from the State of Tennessee.

These changes will allow for these customary accessory uses.

Chapter 7 – Industrial District Regulations

703.A.2. (Page 7-2) – Permitted Accessory Uses – Add:

i. A parents' day out of child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.

This change will allow for this customary accessory use.

Chapter 11 – Supplementary District Regulations

1101 I. (Page 11-8) – Rear Yard Abutting a Public Street – Rename Section and replace regulation with the following:

I. ~~Rear Yard Abutting a Public Street~~ **Double-Frontage Lots**
If a double-frontage lot has no vehicular access to a street frontage, as established by a subdivision plat recorded by the Rutherford County Register of Deeds Office, then that yard adjacent to the street affording no access shall be considered a rear yard.

After reviewing the current language in more detail, it was determined that the situation described was extremely unlikely to happen in the unincorporated areas of Rutherford County. The diagram was also confusing. We recommend replacing this section with the language from the Pre-2013 Zoning Resolution and deleting the diagram.

1101.M. (Page 11-10) – Temporary Use Permits: Third paragraph

> Any similar type activity to those listed below as determined by the Planning Director may obtain a temporary permit subject to the time restraints and conditions necessary to carry out the intent of this ~~Resolution~~ **Ordinance**.

This change simply corrects a typographical error in the text.

1101.M.2. (Page 11-11) – Sales of Foods or Merchandise

> A temporary use permit may be issued for outdoor displays and sales conducted either as a part of an existing business or as a free-standing use in any ~~commercial or industrial~~ district provided that such sales and displays shall be limited to a maximum time limit as established by the Board of Zoning Appeals of six (6) months per year, and provided further, that adequate parking **as defined in this Ordinance** and traffic circulation is available and any existing business operations will not be disrupted. **(Sales of food or merchandise allowed by right in the AR district do not require a temporary use permit.)**

The Zoning Ordinance currently allows for the sale of food and retail merchandise in commercial or industrial zones only. After speaking to the Planning Commission about this issue, there appeared to be a consensus that this type of activity should be allowed in all zones, subject to Board of Zoning Appeals approval. The proposed language allows for this, while also stating that it does not apply in the AR district.

1103.C.2.b. (Page 11-36) – Adult Entertainment

> A certified and signed survey prepared by a licensed surveyor or engineer showing distance measurements in accordance with ~~b.~~ **a.** above to all listed uses shall be submitted with any application for a special exception permit for an adult entertainment activity.

This change simply corrects a typographical error in the text.

1103.A.1 (Page 11-34) – Mobile Homes – Revise A.1.a. to state:

> **Approval process shall be determined by the chart in Appendix B. – Dwelling, Mobile Home.**

The Pre-2013 Zoning Resolution allowed mobile homes (single-wides) on lots of 5 acres or greater by right, and less than 5 acres by conditional use permit approval by the Board of Zoning Appeals. While Staff's intent was to keep this regulation in place, the current wording of the Zoning Ordinance and the Land Use Activity Table in Appendix B appear to conflict and would not

allow mobile homes by right in the RM and RL zones even if the lot size was over 5 acres. This amendment corrects this discrepancy.

1106.A. (Page 11-62) – Performance Standards – First Paragraph

> The purpose of this section is to establish regulations and standards for the installation and operation of industrial activities, commercial activities **and** community facility activities based upon consideration of the objectionable characteristics of individual uses and the districts in which they are permitted.

This change simply corrects a typographical error in the text.

Chapter 14 – Administration and Enforcement

1404.A.4. (Page 14-3) – Zoning Compliance Forms, Building Permits and Site Plans

> Such other information concerning the lot or adjoining lots as may be essential for ~~the~~ determining whether the provisions of this ordinance are being observed.

This change simply corrects a typographical error in the text.

1404.C.3. (Pages 14-4 through 14-6) – Site Plan Checklist – Add the following items to the list:

t. Property zoning/setbacks
u. Surrounding zoning
v. Utility certifications

These are items that are typically seen on site plans but were inadvertently left off the list.

1404.C.3.i (Page 14-5) – Site Plan Checklist – Amend to state:

> Proposed ground coverage, **impervious surfaces,** floor area, and building heights;

This change clarifies the requirements of this item.

1404.C.3.l. (Page 14-5) – Site Plan Checklist – Amend to state:

> Location of utilities using best available information (**Including, but not limited to**, sanitary sewers or septic tanks and field lines, storm sewers, water mains and sizes, and fire hydrants**)**;

This amendment clarifies the intent of this section to include all utilities that serve the property in question.

1404.C.6. (Page 14-7) – Add New Section – Site Plan Design Requirements

6. Site Plan Design Requirements

All Site Plans submitted to the Planning and Engineering Department must be designed using the following documents; The Rutherford County Stormwater Management Ordinance, The Nashville Davidson County Metro Stormwater Management Manuals and the TDOT Design Manuals, unless specifically stated otherwise below:

a. A stormwater management system shall be provided for protecting the project area from the potential adverse impacts of stormwater runoff at all phases of the project.

b. The Rational Method may be used in designing runoff rates for areas up to fifty (50) acres. Developments with a drainage basin greater than fifty (50) acres must use another method approved by the County Engineer.

c. Rainfall frequency-duration curves for the Middle Tennessee area shall be used.

d. The post-development rate of runoff for a development shall not exceed the pre-development runoff rate for the 2, 5, 10, 15, 25, and 50-year storm events.

e. The design of the stormwater drainage system shall be based on a storm frequency of 25-year event. This criterion shall be applied to both open and closed conduit systems.

f. Retention / Detention areas shall be designed with sufficient hydraulic capacity for a 50-year storm event. The emergency spillover must have the capacity for the 100-year storm event.

g. All storm sewer outfalls shall be so designed, by reason of elevations of the invert, by the installation of pumps, or by other features, that when the receiving stream is under 100 year flood conditions, the storm sewers will continue to drain the areas they are designed to serve unless the provision is made for sewer backups into planned storage locations.

h. All ditches and drainage swales shall be a minimum of eighteen (18) inches in depth, a 3:1 slope on all banks, and one-half percent (0.5%) minimum slope throughout the length of the ditch or swale.

i. **Design Engineer must evaluate next two (2) downstream structures from development. If structures cannot handle post-construction flows then applicant must upgrade structures to handle new flows.**

j. **Design must account for both off-site and on-site storm water drainage.**

k. **The maximum HW/D shall be equal to 1.2 for pipes greater than 24-inches and 1.5 for pipes 24-inches or smaller unless approved by the County Engineer.**

l. **Detention storage volume shall be drained within 72 hours for quantity calculations. Drawdown may be accomplished by a County Engineer approved outlet structure.**

m. **Discharge stormwater into the natural drainageway by connecting the drainageway at natural elevations, or by discharging the stormwater into an existing facility of sufficient capacity to receive it.**

n. **The design discharge at the outlet of drainage systems shall not result in velocities that equal or exceed the erosive velocity of the receiving channel, unless energy dissipation and erosion protection measures are placed at the outlet. Energy dissipation and erosion control devices shall have no overfall at the terminal end and shall discharge onto a stable section. The terminal section shall be considered stable if the terminal section design velocity is less than the erosive velocity.**

o. **All bridges shall be designed for the 25-year storm event. The design flow shall consider runoff from the total tributary area and will require stream channel routing, as approved by the County Engineer.**

p. **Developments must comply with water quality standards set forth in the Rutherford County Stormwater Management Ordinance.**

q. **Developments must comply with all stream buffer widths set forth in the Rutherford County Stormwater Ordinance.**

r. **All erosion and sediment control measures shall comply with the Rutherford County Stormwater Management Ordinance**

s. **Developments must have a twenty-five (25) foot Water Quality Buffer on all sinkholes. This measurement is taken from the outer edge of a defined throat. If a sinkhole does not have a defined throat then a twenty-five (25) foot radius is taken from center of depression, at the discretion of the County Engineer.**

t. **Sinkholes may not be utilized as part of the drainage system unless an overflow outlet is provided. Any site plans that utilize sinkholes for drainage must have an alternate drainage plan approved by the County Engineer.**

u. **Any development that adjoins or encompasses a portion of the 100 year floodplain and proposes alterations to the floodplain must submit all documentation (calculations, No-Rise certificate, etc.) to the County Engineer for approval.**

v. **In addition to other required information, where a development adjoins or encompasses a portion of the 100 year floodplain the applicant shall not alter any channel in such a way that would prohibit any section of the channel from conveying, in its post-development state, the same amount of flow at the same or lower maximum water elevation, that it conveyed in its pre-development state. The applicant shall furnish the following information pertaining to proposed channel modification:**

i. **Cross-sections of the existing and proposed channel.**

ii. **Plan view of the channel showing the location of existing constrictions, obstructions and other non-typical areas.**

iii. **Hydrographs and/or Flood Routing Calculations and Backwater Curve Profiles of the proposed waterway corresponding to a storm recurrence interval of 100 years.**

iv. **Designation on the final plan of all areas reserved for flood routing, retention or storage, together with the required wording pertaining to restrictions, dedications and maintenance responsibilities of such area.**

w. **If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the 50 year floodplain shall be credited to the development. In some situations, the design Engineer may submit for consideration to the County Engineer an alternative design with hydraulic justification from this requirement.**

x. **Detailed engineering studies shall be submitted for areas of potential flood at the discretion of the County Engineer.**

y. All pertinent stormwater infrastructure must be constructed during the first phase of site construction to eliminate damage to adjacent properties downstream of site.

z. All stormwater infrastructure required by the Site Plan must be in place and approved by the Rutherford County Engineering Department before a certificate of occupancy will be issued.

aa. Certification of completion shall be submitted to the County Engineer by a licensed engineer to certify that the completed excavation, grading, drainage, flood elevation and erosion control measures comply with the approved Site Plan. This shall be submitted prior to the issuance of a certificate of occupancy.

bb. An As-Built drawing of the completed stormwater drainage system must be submitted to and approved by the County Engineer before the issuance of a Certificate of Occupancy.

Engineering Staff will explain this addition at the meeting.

1405.F. (Page 14-8) – Conflict of Interest

Board members shall abide by The Code of Ethics for Rutherford County as adopted by the Rutherford County Board of Commissioners ~~on April 12, 2007~~.

Removing the date from this item will clarify that Board members will need to abide by the Code of Ethics currently in effect for Rutherford County.

1405.B. (Page 14-7) – Vacancies and Removal

Vacancies of said Board shall be filled for the unexpired term of those members whose position has become vacant by appointment of ~~the Mayor with confirmation by~~ the Board of Commissioners, **consistent with Tennessee Code Annotated (TCA) 13-7-106**. A member may be removed from such Board for continued absences or just cause by action of ~~the Mayor and~~ Board of Commissioners after proper hearing **consistent with TCA 13-7-106**.

This amendment makes this section consistent with the requirements of Tennessee State Law.

1407 (Page 14-11) – Zoning Variances – Add the following section:

F. Effect of Denial of Application

Whenever an application for a special exception/variance is denied, an application for the same request involving the same property shall not be

eligible for reconsideration for six (6) months following such denial, except in the following cases:

1. **Upon initiation by the Board of Zoning Appeals;**
2. **When the previous application was denied for the reason that the proposed request would not conform with the land use plan, and the land use plan has subsequently been amended in a manner which will allow the proposed zoning.**

This verbiage was included in section on zoning amendments but was not included in the Board of Zoning Appeals section for variances.

1408 (Page 14-13) – Special Exceptions – Add the following section:

I. Effect of Denial of Application

Whenever an application for a special exception/variance is denied, an application for the same request involving the same property shall not be eligible for reconsideration for six (6) months following such denial, except in the following cases:

1. **Upon initiation by the Board of Zoning Appeals;**
2. **When the previous application was denied for the reason that the proposed request would not conform with the land use plan, and the land use plan has subsequently been amended in a manner which will allow the proposed zoning.**

This verbiage was included in section on zoning amendments but was not included in the Board of Zoning Appeals section for special exceptions.

Appendix B – Land Use Activity Table

See the attached chart for proposed changes.

Appendix C – Land Use Index

The following items were classified by the Board of Zoning Appeals at their February 13, 2013 meeting, consistent with Section 201 of the Rutherford County Zoning Ordinance. They should now be amended into the Ordinance:

ADD

C&D Landfills (Extensive Impact Facilities
Indoor Gun Ranges (Entertainment and Amusement Services)

REMOVE

Feed Lots (Confined Animal Feeding Operations)

APPENDIX B

Land Use Activity Table

	ZONING DISTRICTS															
ACTIVITY	AR	RL	RM	RMF	MHP	OP	IN	CN	CS	CG	LI	HI	VNC	RC	EAC	ACTIVITY
PERMANENT RESIDENTIAL																PERMANENT RESIDENTIAL
Dwelling, Town Home	N	N	N	P	N	N	N	P	N	N	N	N	P	P	N	Dwelling, Town Home
Dwelling, Single family detached	P	P	P	P	N	N	N	P	N	N	N	N	P	P	N	Dwelling, Single family detached
Dwelling, Duplex	N	N	N	P	N	N	N	P	N	N	N	N	P	P	N	Dwelling, Duplex
Dwelling, Multi-family	N	N	N	P	N	N	N	P	N	N	N	N	P	P	P	Dwelling, Multi-family
Dwelling, Mobile home <5ac/ ≥5ac	P	SE/P	SE/P	N	N	N	N	N	N	N	N	N	N	N	N	Dwelling, Mobile home <5ac/ ≥5ac
Bed & Breakfast Homestay	P	SE	SE	N	N	N	N	P	N	N	N	N	P	P	N	Bed & Breakfast Homestay
Mobile Home Park	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	Mobile Home Park
SEMI-PERMANENT RESIDENTIAL																SEMI-PERMANENT RESIDENTIAL
Boarding & Rooming Houses	SE	SE	N	SE	N	N	N	SE	N	N	N	N	N	N	N	Boarding & Rooming Houses
Dormitories & Fraternity/Sorority Houses	N	SE	SE	SE	N	N	N	SE	N	N	N	N	N	N	N	Dormitories & Fraternity/Sorority Houses
COMMUNITY FACILITY ACTIVITIES																COMMUNITY FACILITY ACTIVITIES
Administrative Services	SE	SE	SE	SE	N	P	P	P	P	P	P	P	P	P	P	Administrative Services
Community Assembly Small	P	P	P	P	N	P	P	P	P	P	SE	SE	P	P	SE	Community Assembly Small
Community Assembly Medium	SE	SE	SE	SE	N	P	P	SE	P	P	SE	SE	SE	SE	SE	Community Assembly Medium
Community Assembly Large	N	N	N	N	N	N	P	N	SE	SE	SE	SE	N	N	SE	Community Assembly Large
Community Education	N	N	N	N	N	N	P	P	P	N	N	N	SE	SE	SE	Community Education
Cultural & Recreation Services	SE	SE	SE	SE	N	P	P	P	P	P	N	N	SE	SE	SE	Cultural & Recreation Services
Essential Services	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	SE	SE	SE	Essential Services
Extensive Impact Facilities	N	N	N	N	N	N	N	N	N	SE	SE	P*	N	N	N	Extensive Impact Facilities
Health Care Facilities	N	N	N	N	N	N	SE	N	N	P	P	P	N	N	SE	Health Care Facilities
Institutional Care Facilities	N	SE	SE	SE	N	N	SE	SE	N	N	N	N	N	N	N	Institutional Care Facilities
Minimal Impact Facilities	SE	SE	SE	SE	N	SE	SE	SE	SE	SE	N	N	SE	SE	SE	Minimal Impact Facilities
Personal & Group Care Facilities	SE	SE	SE	SE	N	P	SE	P	P	P	N	N	SE	SE	N	Personal & Group Care Facilities
COMMERCIAL ACTIVITIES																COMMERCIAL ACTIVITIES
Adult Entertainment	N	N	N	N	N	N	N	N	N	SE	SE	P	N	N	N	Adult Entertainment
Animal Care & Veterinarian Services	SE	N	N	N	N	SE	N	P	P	P	P	P	P	P	P	Animal Care & Veterinarian Services
Automotive Parking	N	N	N	N	N	N	N	N	N	SE	N	N	SE	SE	SE	Automotive Parking
Automotive Repair & Servicing	N	N	N	N	N	N	N	SE	P	P	P	P	N	N	SE	Automotive Repair & Servicing
Consumer Repair Services	N	N	N	N	N	P	N	P	P	P	P	P	P	P	P	Consumer Repair Services
Construction Sales & Services	N	N	N	N	N	N	N	N	P	P	P	P	N	N	P	Construction Sales & Services
Entertainment & Amusement Services	N	N	N	N	N	N	N	SE	P	P	P	P	SE	SE	P	Entertainment & Amusement Services
Financial, Consultative & Administrative	N	N	N	N	N	P	N	P	P	P	P	P	P	P	P	Financial, Consultative & Administrative
Food & Beverage Services	N	N	N	N	N	SE	N	P	P	P	P	P	P	P	P	Food & Beverage Services
Food Service Drive-in & Drive-thru	N	N	N	N	N	SE	N	SE	P	P	P	P	SE	SE	P	Food Service Drive-in & Drive-thru
General Business & Communication Service	N	N	N	N	N	P	N	N	P	P	P	P	N	N	P	General Business & Communication Service
General Personal Services	N	N	N	N	N	P*	N	P*	P*	P*	P	P	P*	P*	P*	General Personal Services
General Retail Trade (5,000sq. ft. or less)	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	General Retail Trade (5,000 sq. ft. or less)
General Retail Trade (more than 5,000 sq. ft.)	N	N	N	N	N	N	N	N	P	P	P	P	SE	SE	P	General Retail Trade (more than 5,000 sq. ft.)

M E M O R A N D U M

Rutherford County Regional Planning Commission

DATE: April 18, 2013

TO: Public Works Committee and Board of Commissioners

FROM: Rutherford County Regional Planning Commission

SUBJECT: The following requests were granted approval by the Rutherford County Regional Planning Commission at the March 25, 2013 meetings.

Plat/ Bond Extension	Views at Lytle Creek	Request Details:	1 year plat extension
	Riverbirch Estates	Request Details:	1 year bond extension
	Chestnut Valley, Sec 1, Phase 1	Request Details:	1 year bond extension
Subdivision Plats	Farmington, Sec 5 (Preliminary - reapproval)	Site Details: Developer: Property Location:	53 lots on 29.95 acres, Zoned RM Southern Venture Properties Lascassas Pike and Barlow Lane
	Sterling Ridge, Sec 4 (Preliminary & Final)	Site Details: Developer: Property Location:	16 lots on 14.14 acres, Zoned RM Harrell Homes, Inc Off of Allen Road

RUTHERFORD COUNTY BOARD OF ZONING APPEALS

Regular Meeting, April 10, 2013

Location: Commission Chambers, 2nd Floor, Historic Courthouse

AMENDED AGENDA

I. Call to Order: 4:30 PM

II. Invocation

III. Pledge of Allegiance

IV. Deferred Items

V. Roll Call & Determine Quorum

VI. Approval of February 13, 2013 and March 13, 2013 Meeting Minutes

MOTION TO APPROVE

Motion Carried (Unanimous Voice)

February 13 & March 13, 2013 Minutes were approved.

VII. Old Business

VIII. New Business

A. **Surefire Fireworks – BZA 2013-014**

Location: 2712 Lacassas Pike, Map No.:68, Parcel: 105.00, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CS, Commercial Services zone.

Motion to Approve as presented by Staff

Motion Carried (5 For, 0 Against)

Request was Approved

B. **Surefire Fireworks – BZA 2013-015**

Location: At the intersection of HWY 99 and Clearidge Drive, Map No.:123G, Group: A, Parcel: 1.02, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CS, Commercial Services zone.

MOTION TO APPROVE as presented by Staff

Motion Carried (5 For, 0 Against)

Request was Approved

C. **Surefire Fireworks – BZA 2013-016**

Location: 6044 Lebanon Pike, Map No.:46, Parcel: 2.04, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CN, Commercial Neighborhood zone.

MOTION TO APPROVE as presented by Staff

Motion Carried (5 For, 0 Against)

Request was Approved

\+ D. **Bansari Niyav Patel – BZA 2013-017**

Location: 5855 Shelbyville Highway, Map No.:158P, Group: A, Parcel: 4.00 and 5.00, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CN, Commercial Neighborhood zone.

MOTION TO APPROVE as presented by Staff

Motion Carried (5 For, 0 Against)

Request was Approved

E. **George McDowell – BZA 2013-018**

Location: 608 Drew Street, Map No.:073E, Group: A, Parcel: 10.00, Request for special exception approval for an accessory dwelling unit that does not meet the particular standards for by-right ADUs for a property located in the RM- Medium Density Residential zoning district.

MOTION TO APPROVE as presented by Staff

Motion Carried (5 For, 0 Against)

Request was Approved

F. **Tiffany Hudson / Red Frog Events – BZA 2013-019**

Location: 6007 Rucker Christiana Road, Map No.:158, Parcel: 12.00, Request for temporary special exception approval for a community event to take place October 5, 2013 on a property located in the RM- Medium Density Residential zone.

MOTION TO DENY based on narrow roads, no shoulders, traffic & train safety issues

Motion Carried (3 For, 2 Against)

Request was Denied

IX. Board Business

Request Board of Zoning Appeals to assign an activity classification to the use of "odor control facility".

Jerry Sartain moved, seconded by Joe Meshotto, to classify Odor Control Facilities as an essential service.

Motion Carried (5 For, 0 Against)

X. Adjournment