

ZONING ORDINANCE AMENDMENTS

Section 1404 C. Site Plan Required

Preapplication Conference

The Subdivision Regulations contain preapplication requirements for preliminary plans and final plats. Staff felt that it would be appropriate to include similar language in the Zoning Ordinance for site plan submittals. Staff proposes the following change (proposed language in **bold**):

All applications for building permits, except one- and two-family dwellings and residential accessory structures shall be accompanied by a site plan meeting the requirements herein and with sufficient copies to provide for staff and Rutherford County Regional Planning Commission distribution. **Prior to the submittal of an application for site plan approval, the applicant or their representative shall contact the Planning Director and/or County Engineer to discuss the scope of the project and to determine if a preapplication conference will be required.** A site plan is not required when an existing building is converted from one permitted use to another permitted use and no additional construction is required and that no additional impervious surfaces are added to the site.

New Construction Less Than 3,000 Square Feet

The Zoning Ordinance currently requires all site plans to be approved by the Planning Commission, with the following exceptions:

- a. Nonresidential accessory buildings or additions less than 3,000 square feet
- b. Parking lot additions with no new building construction

Staff proposes that in addition to nonresidential accessory buildings or additions less than 3,000 square feet to also allow new construction less than the same amount. The proposed language would read as shown below (proposed language in **bold**):

- c. Nonresidential **new construction**, accessory buildings or additions less than 3,000 square feet

Timeline for the Approval of Site Plans

The Zoning Ordinance requires site plans to either be approved, approved with conditions or denied within 90 days of a complete application submittal. There have been limited occasions when applicants have requested a deferral, or multiple deferrals, which can exceed the 90-day limit. Staff feels it would be appropriate to provide some language allowing for applicant-initiated deferrals. Staff proposes the following language (proposed language in **bold**):

Any site plan that does not meet the requirement of Subsection 1404 C.1 above must be reviewed by the Rutherford County Regional Planning Commission. The Rutherford County

Regional Planning Commission shall approve, approve with conditions, or deny within ninety (90) days of submittal of a complete application. **The applicant, or their representative, may waive this time requirement and consent to an extension(s) of the applicable time period.**

Section 1101 T. Cluster Box Unit (CBU)/Mail Kiosk Regulations

Regulations for Cluster Box Units (AKA mail kiosks) were adopted by the Board of Commissioners at their December 13, 2018 meeting. The Planning Commission was given the power to approve mail kiosk site plans in the regulations:

7. The Planning Commission shall have the authority to approve CBU related improvements based on the unique factors for each development. These factors can include, but are not limited to, the number of CBU locations in the development and the maximum number of mail boxes at a CBU. A site plan for the CBUs shall be submitted simultaneous with preliminary plan submittal for review and approval. Site plans for CBU related improvements in designated amenity areas can be submitted simultaneously with a site plan for the amenity area, consistent with Section 1404 of this Ordinance.

The Planning Commission indicated to Staff at their June 22, 2020 meeting that they were comfortable allowing administrative approval of these kiosks. Staff proposes to change the wording of this section as follows:

7. A site plan for the CBUs shall be submitted simultaneous with preliminary plan submittal for review and approval. Site plans for CBU related improvements in designated common areas can be submitted simultaneously with a site plan for the common area, consistent with Section 1404 of this Ordinance. The Rutherford County Planning and Engineering Department shall have the authority to approve CBU related improvements based on the unique factors for each development. These factors can include, but are not limited to, the number of CBU locations in the development and the maximum number of mailboxes at a CBU.

Table 3. Commercial District Bulk Regulations in the CN District

The Commercial Neighborhood (CN) zone allows for residential uses (both single-family and multi-family), as well as commercial uses, as defined in the Zoning Ordinance. It was discovered that although residential uses are allowed, no bulk requirements (e.g. setbacks, lot area, etc.) were listed in *Table 3. Commercial District Bulk Regulations*, for them. Staff reviewed the bulk requirements for residential uses in both the Residential Multi-Family (RMF) and the Employment and Activity Center (EAC) districts and proposes the bulk requirements below (proposed language in **bold**):

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Building Setback	Maximum Height	Maximum Lot Coverage	Maximum Floor Area Ratio
CN - Commercial Neighborhood	10,000 sq. ft. non-res	75 ft.	Front 30 ft. Side 15 ft. Rear 20 ft.	35 ft.	50%	0.20
	9,000 sq. ft. for first dwelling unit Minimum lot area per additional dwelling - 8,500 sq. ft. (5 DUs per acre)	SF Residential – 50 feet Multi-Family – 100 feet	Front - 30 ft. Rear – 15 ft. (25 ft. for multi-family) Side – 10 ft. (25 ft. for multi-family)	35 ft.	40%	N/A

Section 1101 B. Fences, Walls, and Hedges

Corner lots under the current Zoning Ordinance have one front yard (where the front door of the house faces) and one alternate side yard, which is along the cross street. There was some confusion as to allowable fence location and design within alternate side yards. The proposed language below should clarify this issue (proposed language in **bold**):

1. In any residential district, no fence or wall shall exceed eight (8) feet in height in side and rear yards. Fences in front yards may be eight (8) feet in height provided that fences within the required front yard (i.e. front setback) be of transparent construction (i.e. split rail, picket, chain link, etc.). **Alternate Side Yards on corner lots will be treated as side yards for the purposes of this section.** Tennis court fencing shall not exceed twelve (12) feet, and baseball backstops shall not exceed sixteen (16) feet.

The remaining language in this section would be unchanged.

Appendix A

Appendix A contains definitions and rulers for the construction of language. One of the rules listed in this Appendix states that the title of Planning Director refers to the Director of their authorized representative. It was discovered that there was not a separate rule for County Engineering. Staff proposes to add County Engineer to the list of rules, as shown below:

(k) The title “County Engineer” shall refer to the County Engineer or an authorized representative.