

**Millersville Board of Commissioners  
Work Session Agenda**

**Monday, March 5, 2018 at 5:00 P.M.  
At City Hall**

1. Call to Order.
2. Discussion on the personnel policy.
3. Discussion on job classifications and descriptions.
4. Discussion on the take-home vehicle policy.
5. Discussion on Ordinance 18-692, to amend the Millersville Code of Ordinances Chapter 90, Article I, Section 7, Definitions, Accessory Building or Structure and Farm-Type Structure; and Section 18, Accessory Use Regulations; and Article III, Division 2, Residential Districts.
6. General Discussion,
7. Adjournment.

POSITION TITLE: TAX CLERK/RECEPTIONIST  
CLASSIFICATION: Administration  
REPORTS TO: Office Manager  
FLSA STATUS: Non-Exempt  
PAY GRADE: 3

SUMMARY:

Under general supervision performs accounts receivable, cashiering, and clerical related duties as required. Work is performed under the supervision of the Office Manager.

DISTINGUISHING FEATURES OF WORK:

The incumbent performs administrative work of various levels in ensuring compliance of the city's policies and procedures while being the first point of contact for the customer. It requires the incumbent to have exceptional customer services skills and ability to multitask.

ESSENTIAL EXAMPLES OF THE WORK:

Receptionist duties relate to the position being the first point of contact for the customer whether in person or on the telephone.

Performs miscellaneous clerical duties including filing and processing mail.

Prepares daily deposits and transports them to the bank.

Acts as Tax Clerk for the municipal tax billing and collection, maintains said records and accepts, records, and receipts all monies and fines related to Tax payments.

Maintains the Tax Roll and any other related records.

Enters Tax related information into computer and prepares reports.

Processes other payments such as utilities, citations and any other payment presented when necessary.

Provides information to the public related to all municipal services.

ADDITIONAL EXAMPLES OF WORK PERFORMED

Answers questions and processes requests regarding municipal services via phone or in person;

Receives cash and negotiable instruments for deposits on new accounts and payment of bills;

May type form letters, records, or lists;

Initiates work orders for water connects and disconnects, meter re-reads and calibration tests.

Processes payments for sewer, and other utilities as needed.

Looks up, and distributes Court information as needed.

Processes and dispatches Public Works work orders as needed.

May perform other duties as assigned.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of municipal taxation processes and utility services and charges, or the ability to learn same within a relatively short period of time; skilled in the operation of office equipment such as scanners, copiers, calculators, cash registers, personal computers; ability to perform simple mathematical calculations; ability to process and count cash; ability to exercise sound judgment in making decisions in accordance with applicable laws, ordinances, policies, and procedures; ability to deal effectively with the public in processing customer requests and complaints and coping with extreme cases of human behavior; ability to maintain effective working relationships with other employees; ability to communicate effectively.

Knowledge of the principles, practices and methods used in office work.

Knowledge of the principles, practices and methods of municipal taxation procedures.

Good knowledge of standard programs used in personal computing such as word processing, databases, and spreadsheets, email, and effective use of the internet for research.

Ability to establish and maintain effective working relationships with the public, employees, external agencies and organization.

Ability to perform clerical work of some complexity and high volume.

Ability to maintain a variety of complex records and produce accurate reports.

Ability to pass reasonable fitness and physical standards to safely perform work, if required, as determined by city physician; vision and hearing, normal or corrected sufficient to read, write, and safely operate equipment used in work; able to lift and carry about 25 pounds, though greater weights may, at times be lifted, carried and/or placed; dexterity and fitness to grasp, bend, stoop, walk, and otherwise perform physical functions of the assignment.

WORK ENVIRONMENT:

Work environment is generally agreeable with good working conditions. Work is conducted in a normal office setting. Noise level is low to moderate.

TRAINING AND EXPERIENCE:

High School Diploma or GED required with two years post-secondary education preferred. No less than two years' experience in administrative functions preferred.  
Must have the ability to be bonded.

I acknowledge that I have read the foregoing and understand its content.

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Signature

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Date

POSITION TITLE: **COURT CLERK**  
CLASSIFICATION: Administration, courts  
REPORTS TO: Office Manager  
FLSA STATUS: Non-Exempt  
PAY GRADE: 4

SUMMARY:

Under general supervision performs responsible administrative and technical work related to municipal court.

DISTINGUISHING FEATURES OF WORK:

The incumbent performs administrative work of various levels in ensuring compliance of the city's court policies and procedures. This position requires a great deal of discretion and independent judgment when performing tasks.

ESSENTIAL EXAMPLES OF THE WORK:

Acts as clerk for the municipal court, maintains court records and accepts records and receipts all monies and fines related to municipal court.

Prepares the court docket; acts as court clerk during court proceedings; recording dispositions as needed and preparing related paperwork.

Enters court related information into computer and prepares reports from that information.

Processes warrants, legal documents and court orders.

Creates and maintains all court clerical files.

Provides information to the public, attorneys and others relating to citations, court appearances and court dates, processes, and procedures.

ADDITIONAL EXAMPLES OF WORK PERFORMED

Answers questions, and processes requests regarding municipal services via phone or in person;

Receives cash and negotiable instruments for deposits on new accounts and payment of bills;

May type form letters, records, or lists;

Initiates work orders for water connects and disconnects, meter re-reads and calibration tests.

Processes payments for sewer, and other utilities as needed.

Looks up, and distributes tax information as needed.

Processes and dispatches Public Works work orders as needed.

May perform other duties as assigned.

#### KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of city court processes, and utility services and charges, or the ability to learn same within a relatively short period of time; skilled in the operation of office equipment such as switchboards, calculators, cash registers, typewriters, personal computers and base radios; ability to perform simple mathematical calculations; ability to process and count cash; ability to exercise sound judgment in making decisions in accordance with applicable laws, ordinances, policies, and procedures; ability to deal effectively with the public in processing customer requests and complaints and coping with extreme cases of human behavior; ability to maintain effective working relationships with other employees; ability to communicate effectively.

Knowledge of the principles, practices and methods used in office work.

Knowledge of the principles, practices and methods of court procedures.

Good knowledge of standard programs used in personal computing such as word processing, databases, and spreadsheets, email, and effective use of the internet for research.

Ability to establish and maintain effective working relationships with the public, employees, external agencies and organization.

Ability to perform court clerical work of some complexity and high volume.

Ability to maintain a variety of complex records and produce accurate reports.

Ability to pass reasonable fitness and physical standards to safely perform work, if required, as determined by city physician; vision and hearing, normal or corrected sufficient to read, write, and safely operate equipment used in work; able to lift and carry about 25 pounds, though greater weights may, at times be lifted, carried and/or placed; dexterity and fitness to grasp, bend, stoop, walk, and otherwise perform physical functions of the assignment.

WORK ENVIRONMENT:

Work environment is generally agreeable with good working conditions. Work is conducted in a normal office setting. Noise level is low to moderate.

TRAINING AND EXPERIENCE:

High School Diploma or GED required with two years post-secondary education preferred. No less than two years' experience in administrative functions preferred. Must maintain state required training for Municipal Court Clerk; and be able to complete the Municipal Court Clerk Certificate program within 1 year of employment.

Must have the ability to be bonded.

I acknowledge that I have read the foregoing and understand its content.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

<b>JOB DESCRIPTION:</b>	<b>PUBLIC WORKS DIRECTOR</b>
<b>FLSA STATUS:</b>	Exempt
<b>CLASSIFICATION:</b>	Public Works
<b>REPORTS TO:</b>	City Manager
<b>PAY GRADE:</b>	9

#### SUMMARY:

The employee is under the direct supervision of the City Manager. This employee is directly responsible for the management of the Utilities, Street Maintenance, and Solid Waste collection functions as well as Storm Water Management initiatives. This employee is responsible for the implementation and enforcement of the policies relevant to each department supervised as adopted by the City.

#### DISTINGUISHING FEATURES OF WORK

The employee will operate an automobile with radio transmitting and receiving capabilities and cellular phones for constant communication access. The employee will operate a computer; fax machine, copier and other modern office equipment. The employee, at certain times, will be required to operate a back hoe, dump truck, various heavy equipment and a variety of hand tools, shovels, rakes, weed eaters, chain saws and other small tools.

Lifting of heavy objects weighing more than 25 pounds may be required. This work may expose the employee to high places, dangerous machinery and its moving parts, sharp tools, fumes, chemicals and/or toxic substances. Work is characterized by the necessity for considerable physical exertion, by close daily contact with unpleasant materials and for working out of doors under occasionally adverse weather conditions.

#### ESSENTIAL EXAMPLES OF WORK:

- Provides for the instructions and training of personnel;
- Establishes procedures and work methods for the department to economically and efficiently utilize control, equipment and facilities maintenance;
- Plans, develops, coordinates and administers departments providing building maintenance, sanitation, storm water, park maintenance, sewer, and maintenance of city streets;
- Reviews and analyzes methods, equipment used, and performance to find methods of increasing effectiveness and efficiency in operation and maintenance activities.
- Directs the keeping of records and supervises the preparation of necessary reports;
- Prepares department budget requests;
- Plans and recommends improvements in the activities under their supervision;
- Assists in writing specifications, compiling cost estimates and recommendations to the counsel;
- Initiates and maintains contact with consultants and reviews their work for the city;
- Directs and performs inspections of contract work, determines compliance and recommends to the counsel acceptance or non-acceptance of the work;
- Maintains satisfactory public relations through courteous and prompt attention to complaints;

Plans, schedules, delegates and appraises work to be accomplished by subordinate supervisors and workers;

Assists supervisors in determining the materials, equipment and supplies to be used on a project;

Transfers personnel and equipment from one project or position to another as necessary;

Makes recommendations concerning the hiring, promotion, discipline and/or termination of employees;

Assures that operations and procedures of the department comply with federal and state occupational health and safety regulations;

#### ADDITIONAL EXAMPLES OF WORK PERFORMED

Performs routine and repetitive work as part of a crew in the various departments as working supervisor;

Other work as directed.

#### KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of modern management practices and techniques;

Knowledge of fleet vehicle management and maintenance of equipment and facilities;

Knowledge of principles and practices of construction and maintenance supervision;

Knowledge of practices used in the operation of heavy and light mobile track and wheel equipment;

Knowledge of accepted construction principles and practices;

Knowledge of materials and equipment used in public works, and public utilities maintenance and construction work;

Knowledge of elementary principles and practices of civil engineering as it applies to construction and maintenance of streets, utilities, drainage and other public facilities;

Knowledge of safety and OSHA/TOSHA regulations;

Knowledge of modern methods, materials and practices related to the operation, construction and

maintenance of building maintenance, sanitation, storm water, park maintenance, sewer, and maintenance of city streets and other public facilities;

Knowledge of laws and regulations regarding employee health, safety and employment practices;

Knowledge of state and federal laws governing labor practices;

Ability to plan, organize, assign, supervise and inspect the work of subordinates;

Ability to maintain inventory control and administer appropriate purchasing policies and procedures;

Ability to implement innovative methods to provide more efficient and effective operations;

Ability to keep routine operational and personnel records and make reports;

Ability to express ideas and information clearly, concisely and effectively in writing and orally;

Ability to develop sound plans for the future development of public work systems and other public facilities in relation to community needs;

Ability to establish and maintain an effective working relationship with the members of the public, consultants, and other city employees.

Ability to move 75 pounds;



Ability to grasp, crouch, stoop, bend, climb, stretch, and walk in order to perform the job.

WORK ENVIROMENT:

Work environment may be somewhat disagreeable due to exposure to several disagreeable elements or to one very disagreeable element; work environment demands minimal confinement with little protective equipment required; generally, physical and working conditions are such that minor cuts, abrasions, bruises, or burns may be encountered, despite provision of safety measures and health precautions.

TRAINING AND EXPERIENCE:

Covered under RSPA regulations, which requires pre- employment and random drug and alcohol testing;

Requires high school diploma/G.E.D; prefer graduation from an accredited four year college or university with a degree in public administration or related field.

Must have Wastewater Collections Level II Certification within one year of employment, NPDES Storm Water Certification within six months of employment,

Must have an excellent work and attendance record;

Must have 3-5 years of documented, qualified work experience in required, certification-dependent functions; Must possess and maintain all appropriate certifications in assigned functions; and

Must possess a valid Driver's License. Must be able to obtain a valid CDL with appropriate endorsements within one year of employment.

I acknowledge that I have read the foregoing and understand its content.

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Signature

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Date

**JOB DESCRIPTION:** SEWER WORKER II  
**CLASSIFICATION:** Public Works  
**REPORTS TO:** Public Work Director  
**FLSA STATUS:** Non-Exempt

**PAY GRADE:** 4

**SUMMARY:**

This employee works under the direction and supervision of the Utility Services Foreman in the construction, maintenance and repair of the sewer collection facilities. Instructions to the employee may be general, though occasionally the instructions to the employee may be detailed and specific though occasionally the employee may need to consider different course of action or deviate from standard operating procedures to get the job done. The Utility Services Foreman will check, monitor and review the completed work.

**DISTINGUISHING FEATURES OF WORK**

The employee will use a variety of hand tools, heavy and light equipment. The employee will be required to lift, dig, climb, bend and move moderately to very heavy objects. The employee may be exposed to all types of weather conditions with possible exposure to fumes, chemicals, or toxic substances.

**ESSENTIAL EXAMPLES OF WORK:**

Participates in the maintenance of the sewer collection system;  
Operates various types of heavy and light equipment including but not limited to a backhoe, ditch witch, skid steer, dump truck, jet router and rodding machine;  
Performs minor electrical wiring on pumps and lift stations;  
Cleans equipment and tools; and  
Performs general plumbing and pipefitting work.

**ADDITIONAL EXAMPLES OF WORK PERFORMED**

Assist customers in water and sewer service problems;  
Prepare and maintain all records pertaining to services performed;  
Provide preventive maintenance where applicable;  
Investigate trouble reports to determine proper actions; and  
Perform related duties as assigned, filling in for knuckle boom operator and/or other functions as needed.

**KNOWLEDGE, SKILLS AND ABILITIES**

Ability to obtain knowledge of the materials and equipment used in the construction, repair and maintenance of sewer lines;

Ability to obtain knowledge of mechanical, electrical, and maintenance operations of pumps;  
Ability to obtain knowledge of general construction practices;  
Ability to read, understand, and follow both oral and written communication;  
Ability to communicate effectively with employees and citizens;  
Ability to establish and maintain effective working relationship with others, employees and members of the public;  
Ability to use tools necessary in the performance of required skills;  
Ability to work under extreme weather conditions and for long periods;  
Ability to work in odorous and unhealthy environments;  
Ability to perform heavy manual labor under unfavorable conditions and climate;  
Ability to grasp, crouch, bend, stoop, climb, stretch, and walk.  
Ability to move at least 75 pounds; and  
Ability to work in confined spaces such as manholes and lift stations.  
Ability to grasp, crouch, stoop, bend, climb, stretch, and walk in order to perform the job;  
Ability to be on call as needed.

#### WORK ENVIRONMENT:

Work environment may be somewhat disagreeable due to exposure to several disagreeable elements or to one very disagreeable element; work environment demands minimal confinement with little protective equipment required; generally, physical and working conditions are such that minor cuts, abrasions, bruises, or burns may be encountered, despite provision of safety measures and health precautions (generally no lost time results).

#### TRAINING AND EXPERIENCE:

Graduate from a standard High School or hold a valid GED;  
Experience in performing heavy manual work;  
Must possess a valid Drivers' License . CDL endorsement required within 1 year.  
Must pass a physical examination and drug test as well be covered under DOT regulations which requires pre- employment and random drug and alcohol testing;  
Must attain Level II Collections certification within 1 year  
Must have a good work and attendance record.

I acknowledge that I have read the foregoing and understand its content.

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Signature

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Date

## City of Millersville Take Home Vehicle Policy

Effective \_\_\_\_\_

### Section 1

#### Police Department

1. All Officers and CID may have a take home vehicle if they live within 8 driving miles of the City limits.
2. Take home vehicles cannot be used for personal errands or trips
3. Vehicles must be kept clean
4. No civilian passengers allowed in the vehicle i.e. family members

### Section 2

#### Additional Allowance

This section only applies to the following positions:

Police Chief  
Fire Chief  
Police Lieutenant  
Assistant Fire Chief

Because of the nature of these positions requiring them to be on call 24/7, on occasion and with discretion these positions may use their City vehicles for some personal trips within 5 miles of the City limits.

1. A monthly report of mileage and gas expenses will be provided to the City Manager for review.

Passed by vote of the City Commission on \_\_\_\_\_ 2018

By: \_\_\_\_\_  
Timothy Lassiter, Mayor

Attest:

By: \_\_\_\_\_  
Holly Murphy, City Recorder

## **City of Millersville**

### **Use of City Vehicle and Equipment Policy**

Effective Date: 3/21/2017

Review Date: As needed

This policy and procedure explains the City's use of equipment and vehicle policy for all employees. Use of City vehicles and equipment is to be done with extreme care and responsible processes.

1. All employees shall take extreme care to ensure that the equipment/vehicle is properly maintained at all times.
2. All employees should do a check list before utilizing any equipment/vehicle before beginning their shift/assignment for the day.
3. All employees should report any issues and or parts that may be in need of repair immediately after the check is done on the equipment/vehicle on a daily basis.

### **PENALTIES FOR DESTRUCTION OF PROPERTY**

1. When a vehicle or equipment is not taken care of and results in a malfunction of the equipment/vehicle due to negligence, the operator of said shall be responsible.
2. When an employee crashes a vehicle because of negligence or not paying attention to surroundings.
3. When an employee totals a vehicle.
4. When an employee misuses equipment and causes damage.

The penalty shall be suspension without pay. The City Manager, or designee, shall decide the length of suspension according to severity of damage to the equipment/vehicle and cause of same.

## MEMORANDUM



**FROM:** Caryn Miller, City Manager  
**TO:** All Police Department Employees  
**CC:** David Hindman, Chief  
**DATE:** August 2, 2016  
**RE:** Officer's addresses

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Due to insurance carrier liability risk, we will need all Officers that take home a patrol vehicle to fill out the attached form and sign it. In addition, please provide proof of address such as a utility bill, a lease, etc.

Please be advised that if you move, it is your responsibility to tell the City (Holly) that you have moved and provide proof of change of address in order to continue to take a patrol vehicle home. Failure to do so could result in your loss of the privilege.

Should you have any questions, please call me or come and see me.

**City of Millersville**  
**Take Home City Vehicle Form**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City, \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Total **Road** miles from Millersville City Hall: \_\_\_\_\_

Do you park your City vehicle at this address? Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, please provide address where you park the City Vehicle:

Physical Address: \_\_\_\_\_

City, \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Total **Road** miles from Millersville City Hall: \_\_\_\_\_

I, \_\_\_\_\_ understand that as an employee of the City of Millersville I am given the privilege of taking a patrol car home and I will advise the City of any changes in my address or location of the vehicle assigned to me immediately or I may lose the privilege. The Administrative Policy of the City of Millersville is **10 road miles** from the City Hall driveway located at 1246 Louisville Hwy.

Initials

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*For Official Use Only*

Received proof of address: Yes \_\_\_\_\_ No \_\_\_\_\_ Received By: \_\_\_\_\_

Mileage verified: Yes \_\_\_\_\_ No \_\_\_\_\_ Verified By: \_\_\_\_\_

## CITY OF MILLERSVILLE

## RESOLUTION 15-R-04

A RESOLUTION OF THE CITY OF MILLERSVILLE, ADOPTING A CITY TAKE HOME VEHICLE POLICY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the governing body of the City of Millersville (The City) allows certain employees to take home a City owned vehicle while employed by the City; and,

WHEREAS, this practice has occurred in the past without the adoption of a formal policy; and,

WHEREAS, the City Commission wishes to adopt a formal, clear policy regarding this employee benefit.

NOW THEREFORE, BE IT RESOLVED by the Millersville Board of Commissioners that an Administrative Policy related to take home vehicles by City employees shall be as follows:

Section 1: The Official Administrative Vehicle Take-Home Policy shall be as provided in Exhibit "A" attached:

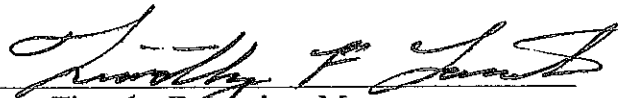
Section 2: All Resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

Section 3: This Resolution shall become effective immediately upon passage as provided by law.

PASSED AND ADOPTED this 17th Day of March, 2015.


BOARD OF COMMISSIONERS

By: \_\_\_\_\_

  
Timothy F. Lassiter, Mayor

Attest:

By: \_\_\_\_\_

  
Holly L. Murphy, City Recorder





**EXHIBIT "A"****ADMINISTRATIVE POLICY**

City of Millersville

**Take-Home Police Vehicles Policy**

Effective Date: 3/17/2015

Review Date: As Needed

This policy and procedure explains the City's take-home vehicle policy for all employees. The take-home vehicle program is a privilege and may be removed, at the discretion of the Department Head and/or City Manager. The following will be allowed a take home City vehicle:

1. Police Chief
2. Detective
3. Fire Chief
4. City Manager
5. Police Officers
6. On Call Public Works person

**Restrictions and Rules**

1. This Policy is effective upon passage of the Resolution adopting this Administrative Policy. This will not affect personnel assigned a take home vehicle prior to the date the Resolution is adopted as long as they have not moved farther away from the residence provided to the City. Any new employees that qualify for the take home vehicle program shall be governed by these rules as adopted.
2. An employee eligible for the take home vehicle program must live within 10 driving miles of the driveway of City Hall located at 1246 Louisville Hwy.
3. Police Officers shall carry, on his/her person or in the vehicle, a departmentally approved and officer qualified service or off-duty weapon in a manner described by state law.
4. The operation of the vehicle shall adhere to all TN Statutes and all City policies.
5. The vehicle shall not be used for personal use or travel outside the City unless attending approved training, meetings, and City related business.
6. Use of the vehicle shall be for reporting to work straight from their residence and returning directly back to their residence once finishing their work day. Any deviation in this pattern needs to be reported and may cause the privilege to be taken away from the employee.
7. Employees assigned to a particular vehicle(s) shall maintain the vehicle in a clean and safe condition, as well as responsibility for the maintenance and upkeep of their assigned vehicle.



## **City of Millersville Development Services Department**

### **Summary & Recommendation**

**Date:** August 8, 2017

**Reviewer:** Michael Barr, Development Services Director

**Subject:** Amend Chapter 90 Various Sections regarding Residential Accessory Structure Standards and creating a new Section 90-175 for Residential Accessory Structures.

**Background:** City Staff has identified numerous confusing and conflicting language and standards for Residential Accessory Structures throughout the different zoning classes. In order to make these standards and regulations easier to understand and more uniform for the multiple zoning districts, Staff has created a new separate section that covers all residential districts. This new section is separated into 4 basic subsections setting standards by location, size, height, and exterior finishes. Additionally, Staff has categorized and better defined accessory and farm-type structures in Section 90-7 Definitions.

**Attachments:** Proposed Chapter 90 Various Sections with underline and strikethrough changes.

**Recommendation:** Approval by the Planning Commission to recommend this Zoning Amendment for Approval to the City Commission.

**Conditions, if any:** n/a

**CITY OF MILLERSVILLE, TENNESSEE**

**ORDINANCE 18-692**

**AN ORDINANCE AMENDING THE MILLERSVILLE CODE OF ORDINANCES CHAPTER 90 ARTICLE I SECTION 7 DEFINITIONS, ACCESSORY BUILDING OR STRUCTURE AND FARM-TYPE STRUCTURE; AND SECTION 18 ACCESSORY USE REGULATIONS; AND ARTICLE III DIVISION 2 RESIDENTIAL DISTRICTS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Governing Body of the City of Millersville reviews its Code of Ordinances from time to time to ensure that the laws of the City meet the requirements and desires of the City Commission; and

**WHEREAS**, the Governing Body for the City of Millersville has identified the need for changes to Chapter 90 of the Code pertaining to Article I Sec. 90-7 Definitions, Sec. 90-18 Accessory use regulations, and Article III Division 2 Residential Districts Sec. 90-152 through 157 and Sec. 90-174 and adding Sec. 90-175; and

**WHEREAS**, the definitions for residential accessory structures and farm-type structures are being classified and clarified.

**WHEREAS**, Accessory use regulations are being changed to reflect the new Sec. 90-175 Design review standards for residential accessory structure and farm-type structure location, size, height, and exterior material.

**WHEREAS**, standards and details pertaining to residential accessory structures and farm-type structures in residential zoning districts are being removed from Sec. 90-152 through 157 and Sec. 90-174 and being reorganized and restructured in the new Sec. 90-175.

**WHEREAS**, the Planning Commission voted by majority on September 12, 2017 to recommend the amendments to Chapter 90 Section 7 Definitions and Article III Division 2 Residential districts.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MILLERSVILLE** that the amendment to Chapter 90 of its Code of Ordinances shall be made in accordance with Exhibit A attached hereto and made part of Ordinance 18-692 as if copied verbatim.

**SECTION 2.** All Ordinances or parts thereof in conflict with the attachment hereto be, and the same is hereby repealed.

**SECTION 3.** This Ordinance shall become effective immediately upon passage, the public welfare requiring it.

Passed First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Passed Second Reading: \_\_\_\_\_

BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Timothy F. Lassiter, Mayor

Attest:

By: \_\_\_\_\_  
Holly L. Murphy, City Recorder

Approved as to Form and legality:

By: \_\_\_\_\_  
Robert G. Wheeler, Jr., City Attorney

## Exhibit "A"

### Chapter 90 - ZONING

#### ARTICLE I. - IN GENERAL

##### Sec. 90-7. - Definitions.

*Accessory building or structure* means a subordinate building, the use of which is incidental to that of a principle building and located on the same lot therewith. Accessory buildings or structures include storage sheds, workshops, gazebos, pergolas, detached garages, carports, and other structures for similar uses. Accessory structures are not connected to the principle. Classes of accessory buildings and structures, generally based on size, include:

- (1) Shed accessory structures are 120 square feet or less in size and not on a permanent foundation.
- (2) Minor accessory structures include any shed accessory structure on a permanent foundation and any accessory structure greater than 120 square feet but less than 250 square feet in size.
- (3) Major accessory structures are 250 square feet or greater in size.

Types of accessory structures include:

- (1) Storage sheds which may be designed with electricity for lights and small appliances and tools only.
- (2) Workshops which may be designed with electricity for lights, large appliances, tools and machinery, heating and air conditioning and with plumbing.
- (3) Gazebos and pergolas are covered structures without being enclosed and may be designed with electricity for lights.
- (4) Detached garages are covered and enclosed structures designed to accommodate interior vehicle parking and may be used for storage and workshop purposes.
- (5) Carports are covered structures with open sides designed for vehicle parking. No exposed metal framed carports are permitted in any residential district.
- (6) Shipping containers and semi-trailers are not accessory structures.
- (7) No accessory structures may be used for residential occupancy.

*Farm-type or barn structure* means a building primarily located on farms and is used for ~~many bona~~ vide agricultural or farming purposes, notably for the housing of livestock, storage of crops, storage of equipment, and as a covered workplace. Farm type structures are also used to describe buildings such as tobacco and dairy barns and silos. Farm-type and barn structures generally exceed 500 square feet in area.

##### Sec. 90-18. - Accessory use regulations.

The use of land, buildings, and other structures permitted in each of the districts established by this chapter are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- (1) Be customarily incidental to the principal use established on the same lot.
- (2) Be subordinate to and serve such principal use.
- (3) Be subordinate in area, intent, and purpose to such principal use.
- (4) Contribute to the comfort, convenience, or necessity of users of such principal use.
- (5) An accessory structure on any residential lot shall comply with the provisions set forth in section 90-474175, Design review standards.

Minimum lot area for dwelling .....	5 acres
Minimum lot width at building line for residences .....	300 feet
Minimum rear yard .....	50 feet
Minimum side yard .....	50 feet

- b. *Front yards.* All principal and accessory structures in the R-1 district shall be set back from the right-of-way of streets the minimum distance shown below, or shall conform with the existing setback lines, according to their classifications as indicated on the latest municipal thoroughfare plan:

Arterial streets .....	75 feet
Collector and connector streets .....	75 feet
Minor streets .....	75 feet

- c. *Building area.* On any tract or lot in the R-1 district, the area occupied by all structures including accessory structures shall not exceed ten percent of the total area. ~~Accessory structures shall not cover more than ten percent of any required rear yard.~~
- (5) *Height.* Height regulations in the R-1 district shall apply to principal structures.
- (6) *Location of a Accessory structures.* Accessory structures in the R-1 district shall be regulated by Section 90-175, as follows:
- a. ~~Accessory structures shall not be erected in any front yard.~~
- b. ~~Accessory structures shall be located at least ten feet from all lot lines and from any building on the same lot.~~

#### **Sec. 90-153. - Low density residential district R-2.**

- (a) *Intent.* The intent of the low density residential district R-2 is to provide for very low density residential development generally on tracts of land not considered to be subdivisions; and also, to limit development in lands not suited for development by reason of soil, geologic, infrastructure, topographic, or other limitations.
- (b) *District regulations.* Within the residential R-2 districts, as shown on the municipal zoning map, the following regulations shall apply:
- (1) *Uses permitted.* Permitted uses in the R-2 district are as follows:
- a. Single-family dwellings, excluding mobile homes.
- b. Customary home occupations conducted within the principal structure, but only by a person resident of the premises; provided, however, that not more than one person who is not a resident of the premises is employed.

existing setback lines, according to their classifications as indicated on the latest municipal thoroughfare plan:

Arterial streets .....	50 feet
Collector and connector streets .....	50 feet
Minor streets .....	50 feet

- c. *Building area.* On any lot or tract in the R-2 district, the area occupied by all structures, ~~including accessory structures,~~ shall not exceed ten percent of the total area. ~~Accessory structures shall not cover more than 20 percent of any required rear yard.~~
- (5) *Height.* Principal structures in the R-2 district shall not exceed three stories nor 35 feet in height, unless each side yard is increased over the required minimum by five feet for every five feet or fraction thereof of additional height. ~~No accessory structure shall exceed two stories in height.~~
- (6) ~~Location of a~~ *Accessory structures.* Accessory structures in the R-2 district shall be regulated by Section 90-175. ~~located as follows:~~
  - a. ~~With the exception of signs, accessory structures shall not be erected in any required front yard.~~
  - b. ~~Accessory structures shall be located at least ten feet from all lot lines and from any building on the same lot.~~

#### **Sec. 90-154. - Medium density residential district R-3.**

- (a) *Intent.* The intent of the medium density residential district R-3 is to provide a low density residential environment having good access to public water, schools, and other community facilities, but well separated from heavy traffic and other incompatible activities.
- (b) *District regulations.* Within the residential R-3 districts, as shown on the municipal zoning map, the following regulations shall apply:
  - (1) *Uses permitted.* Permitted uses in the R-3 district are as follows:
    - a. Single-family dwellings, excluding mobile homes.
    - b. The taking of boarders or the renting or leasing of rooms by the family resident on the premises; provided, however, that not over 50 percent of the total floor area is used for such purpose.
    - c. Customary home occupations conducted within the principal structure, but only by a person resident of the premises; provided, however, that not more than one person who is not a resident of the premises, is employed.
    - d. One unilluminated temporary large realty sign not exceeding 100 square feet in area, with no dimension exceeding 12 feet, at each major approach to a subdivision advertising the sale of houses or lots. The display of such sign shall be limited to a period of one year; any remaining nonconforming sign may be removed by the city at the expense of the owner.
    - e. One unilluminated temporary on-site sign not exceeding 16 square feet in area, advertising the sale of farm or garden products for the duration of the harvest season.
    - f. Other signs as regulated in subdivision III, division 11, article III of this chapter.
    - g. Farming uses, excluding the keeping of chickens, pigs, and cattle.

Institutional uses .....	250 feet
Other permitted uses .....	150 feet
Setbacks:	
Front yard	
Arterial street .....	50 feet
Collector street .....	40 feet
Minor residential street .....	40 feet
Rear yard .....	30 feet
Side yard .....	20 feet

b. ~~Accessory structures. Accessory structures shall be located at least five feet from all lot lines and from any building on the same lot.~~

c. *Front yards.* All principal and accessory structures in the R-3 district shall be set back from the right-of-way lines of streets the minimum distance shown below, or shall conform with the existing setback lines, according to their classifications as indicated on the latest municipal-regional thoroughfare plan:

Arterial streets .....	50 feet
Collector and connector streets .....	50 feet
Minor streets .....	30 feet

- d. *Building area.* On any lot or tract in the R-3 district, the area occupied by all structures, including accessory structures, shall not exceed 45 percent of the total area. ~~Accessory structures shall not cover more than 30 percent of any required rear yard.~~
- (5) *Height.* Principal structures in the R-3 district shall not exceed three stories nor 35 feet in height, unless each side yard is increased over the required minimum by five feet for every five feet or fraction thereof of additional height. ~~No accessory structures shall exceed two stories in height.~~
- (6) Location of a Accessory structures. Accessory structures in the R-3 district shall be regulated by Section 90-175. ~~Location of accessory structures in the R-3 district shall be as follows:~~
- a. ~~With the exception of signs, accessory structures shall not be erected in any required front yard.~~



5. The apartment must be contained within the building envelope, as determined by the setback requirements for a principle residential structure.
  6. The apartment may not be used for rental purposes.
  7. The apartment must be approved by the city for residential use before it may be occupied.
  8. Violation of the provisions for an in-law or accessory apartment shall subject the owner to a fine of up to \$50.00 per day for each day the violation occurred.
- (3) *Uses prohibited.* Prohibited uses in the R-4 district are mobile homes and uses not specifically permitted or permitted as special exceptions.
- (4) *Lot area, lot widths, yards, and building area.* The principal structures in the R-4 district shall be located to comply with the following requirements:
- a. *Lot area, lot width, rear and side yards.*

Minimum lot area dwelling; square feet .....	20,000
Minimum lot area for each additional dwelling unit; square feet .....	10,000
Minimum lot width at building line	
For residences .....	75 feet
Institutional uses .....	150 feet
Other permitted uses .....	100 feet
Setbacks:	
Front yard	
Arterial street .....	40 feet
Collector street .....	30 feet
Minor residential street .....	30 feet
Rear yard .....	20 feet
Side yard .....	15 feet

- b. *Front yard.* All principal and accessory structures in the R-4 district shall be set back from the right-of-way lines of streets the minimum distance shown as follows, or shall conform in the existing setback lines, according to their classifications as indicated on the latest municipal thoroughfare plan:

- d. Similar uses or structures subject to such conditions as the board of zoning appeals may require in order to preserve and protect the character of the district in which the use is to be located.
- e. One in-law or accessory apartment meeting the following restrictions:
  - 1. Permitted occupants are limited to relatives of the homeowner, related by blood, marriage or adoption, or caregivers providing services to the occupants of the principle residence.
  - 2. The principal residence must be owner occupied.
  - 3. All utilities must share a common meter with the principal residence.
  - 4. The apartment must be connected to the principle residence by means of a shared wall or an enclosed breezeway no longer than 20 feet in length between structures.
  - 5. The apartment must be contained within the building envelope, as determined by the setback requirements for a principle residential structure.
  - 6. The apartment may not be used for rental purposes.
  - 7. The apartment must be approved by the city for residential use before it may be occupied.
  - 8. Violation of the provisions for an in-law or accessory apartment shall subject the owner to a fine of up to \$50.00 per day for each day the violation occurred.
- (3) *Uses prohibited.* Prohibited uses in the R-5 district are uses not specifically permitted or permitted as special exceptions.
- (4) *Lot area, lot width, yards, and building area.* The municipal structures in the R-5 district shall be located to comply with the following requirements:
  - a. *Lot area, lot width, rear and side yards.*

Minimum lot area for dwelling; square feet .....	10,000
Minimum lot width at building line (all permitted uses) .....	75 feet
Setbacks:	
Front yard	
Arterial street .....	30 feet
Collector street .....	25 feet
Minor residential street .....	25 feet
Rear yard .....	20 feet
Side yard .....	12 feet

- b. *Front yards.* All principal and accessory structures in the R-5 district shall be set back from the right-of-way lines of streets the minimum distance shown as follows, or shall conform with the

- (4) *Bulk regulations, lot area, lot width, yards, and building area.* The municipal structures in the R-5M district shall be located to comply with the following requirements:

a. *Lot area, lot width, front, rear and side yards*

1. Minimum lot area for dwelling ..... 20,000 sq. ft.
2. Minimum lot width at building line (all permitted uses) ..... 150 feet
3. Setbacks:
  - i. Front yards. All principal and accessory structures in the R-5M district shall be set back from the right-of-way lines of streets the minimum distance shown as follows, or shall conform with the existing setback lines, according to their classifications as indicated on the latest municipal thoroughfare plan. When this plan is lacking the specified data, city staff shall set the classification.

Arterial streets ..... 60 feet

Collector and connector streets ..... 50 feet

Minor Streets ..... 50 feet

- ii. Rear yard ..... 20 feet
- iii. Side yard ..... 24 feet
4. Buffer and screening. A landscape buffer shall be provided along the perimeter of the site boundaries not less than 15 feet in width, except that a minimum buffer area from any public street shall be no less than 20 feet. Within the landscaped buffer, a continuous fence six to eight feet high shall be provided. Such fence shall be opaque in nature and decorative in design. The landscaped buffer shall be split evenly between this fence, and shall be incorporated with year-round evergreen trees at least four feet wide and four feet high at the time of its original planting. These plants are expected to achieve a height of six feet within in three years. No landscaped screen or fence shall be provided within 15 feet of any vehicle entrance and/or exit to the park.
5. Mobile home park paved parking area for recreation vehicles. 150 square feet for every three units.
6. Off-street parking for mobile home parks. Paved off-street parking may be grouped in bays either adjacent to streets, or in the interior of blocks, or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one parking space per dwelling unit shall be located so as to provide a maximum walking distance of 50 feet from the nearest entrance of the dwelling unit the space to serve. Further parking standards of subdivision II of division 11 of the article also apply.

- b. *Building uses.* On any lot or tract in the R-5M district, the area occupied by all structures, ~~including accessory structures,~~ shall not exceed 25 percent of the total area. ~~Accessory structures shall not cover more than ten percent of any required rear yard.~~

- (5) *Height.* Principal structures in the R-5M district shall not exceed two stories, nor 25 feet in height unless each side yard is increased over the minimum of five feet for every five feet, or fraction thereof, of additional height. ~~No accessory structure shall exceed one story in height.~~

- (6) ~~Location of a~~ Accessory structures. ~~Location of a~~ Accessory structures in the R-5M district shall be regulated by Section 90-175 as follows:

- a. ~~With the exception of signs, accessory structures shall not be erected in any required front or side yard.~~

- a. ~~Be located in the rear yard. Recreational and farm-type structures are permitted in the front yards of all R-1 and R-2 lots. Detached garages and carports, however, may be located in the side yards (not further than the plane of the home's furthest front façade) of all residentially zoned parcels provided that:~~
    - 1. ~~The garage or carport is constructed of similar exterior materials, on all sides.~~
    - 2. ~~The garage or carport is entirely constructed within the residential zone's building envelope established by the pertinent residential zone's setback lines.~~
  - b. ~~Not exceed the principal structure's uppermost height;~~
  - c. ~~Be constructed with exterior materials that match or blend with the materials of the principle structure. In cases where materials cannot be matched easily, then other designs using exterior materials of vinyl, stucco, cement fiber, or wooden clapboard may be substituted.~~
  - d. ~~Farm-type structures located in the Residential One (R-1) may be constructed with exteriors of vinyl, wood, metal or other materials approved by the planning commission.~~
  - e. ~~Free standing metal framed car ports shall not be allowed in any zone.~~
- (2) ~~Without BZA approval, an accessory building's footprint, solely or in conjunction with the sum of other accessory buildings' footprints, shall not exceed the square footage of either one of the formulas presented below in subsections a. and b., with the city permitting the larger allowance of the two, or in the case of farm-type structures, meeting the criteria of subsection c.:~~
- a. ~~Accessory structure(s) size based off of the principle dwelling's footprint:~~
    - 1. ~~Residential One (R-1), 100 percent of the principal residence's footprint; lots ten acres or greater, 150 percent of the principal residence's footprint.~~
    - 2. ~~Residential Two (R-2), 75 percent of the principal residence's footprint.~~
    - 3. ~~Residential Three, Four, Five, and Five Mobile Home (R-3, R-4, R-5, R-5M), 50 percent of the principal residence's footprint.~~
  - b. ~~Accessory structure(s) size based off of lot size.~~
    - 1. ~~A coefficient of two percent shall be multiplied against the square footage of the entire lot.~~
  - c. ~~Farm-type structures located in Residential One (R-1), (i.e. barns, farm equipment storage sheds, etc.) shall be allowed up to 5,000 square feet provided that:~~
    - 1. ~~The height does not exceed 30 feet.~~
    - 2. ~~The footprint is no larger than 5,000 square feet.~~
    - 3. ~~The structure is a minimum of 250 feet from any lot line and a minimum of 500 feet from any road, street or other public passage way.~~

**Sec. 90-175. – Design review standards for residential accessory structure and farm-type structure location, size, height and exterior material.**

(a) Structures shall be set back from the right-of-way of streets and the rear and side property lines and other structures the minimum distances shown below:

(1) Residential accessory structures:

<u>Zoning District</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-5M</u>
<u>Front setback on right-of way</u>	<u>75 feet</u>	<u>50 feet</u>	<u>40 feet</u>	<u>40 feet</u>	<u>30 feet</u>	<u>60 feet</u>

<u>Zoning District</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-5M</u>
<u>Maximum height</u>	<u>25 feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>

(2) Farm-type and barn structures as only permitted in residential districts R-1 and R-2:

<u>Zoning District</u>	<u>R-1</u>	<u>R-2</u>
<u>Maximum height</u>	<u>35 feet</u>	<u>35 feet</u>

(d) Residential accessory and farm-type structures shall be constructed as follows:

(1) Residential accessory structures shall be sided with exterior materials that match or blend with the materials of the principle structure. In cases where materials cannot be matched easily, then other designs using exterior materials of vinyl, stucco, cement-fiber, or wooden clapboard may be substituted. Any residential accessory structures may be sided with horizontal metal siding that imitates clapboard styles. Detached garages and carports shall be constructed of similar exterior materials as the principle residential structure including any foundation.

(2) Farm-type structures may be clad with materials similar to residential accessory structures including vertical metal siding.