



**City of Millersville Planning Commission
Regular Meeting Agenda
Tuesday, April 9, 2019 5:00 pm
Commission Chambers**

- 1) Call to Order
- 2) Invocation & Pledge of Allegiance
- 3) Roll Call
- 4) Disclosure of Ex-parte Communications
- 5) Approve the Minutes of the Planning Commission Meeting(s):
 - a) March 12, 2019 (to be forwarded prior to this meeting)
- 6) Public Comments (Limited to 3 minutes per speaker for items on this agenda)
- 7) Action Item(s):
 - a) Rezone 165-173 Flat Ridge Rd (SC Map 118 Parcel 048.00) from Residential R-2 to R-4
 - b) Minor Subdivision Plat of the Phillip Graves Property (SC Map 118 Parcel 048.00)
 - c) Rezone two Parcels on Long Dr (SC Map 140 Parcels 084.01 & 084.02) from Light Industrial I-1 to Intermediate Industrial I-2
- 9) Development Services Department Report
 - a) Presentation & Discussion of TCA 13-7-208 Enforcement of ordinances – Applicability of provisions (non-conforming uses)
 - b) Board of Zoning Appeals Meeting Summary
 - c) Planning & Zoning Activities
- 10) Commissioners Comments & General Discussion
- 11) Public Comments (Limited to 3 minutes per speaker for items not on this agenda)
- 12) Next Planning Commission Meeting is scheduled for May 14, 2019
- 13) Adjournment

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Recorder at 615-859-0880 at least 72 hours prior to the meeting.



**City of Millersville Planning Commission
Meeting Minutes
Tuesday, March 12, 2019 5:00 pm
Commission Chambers**

Minutes to be forwarded prior to meeting



City of Millersville Development Services

Planning Commission Item 7a

Summary & Recommendation

Date: April 9, 2019

Reviewer: Michael Barr, Development Services Director

Subject: Rezone 165-173 Flat Ridge Rd, a single parcel (SC Map 118 Parcel 048.00) from Residential R-2 to R-4

Background: The subject parcel's owner is requesting to rezone this 4.0 ac +/- parcel from Residential R-2 to R-4. This single parcel currently has 4 duplexes located on it. The owner is proposing to subdivide the master parcel into 4 lots with a single duplex on each lot. Before the subdivision can be approved, the proposed individual lots must meet the minimum zoning requirements. The proposed lots appear to conform to the proposed Residential R-4 Zoning District standards, Sec. 90-155. Ordinarily, duplexes require a Special Exception in this proposed zoning district, however they appear to have been constructed prior to the adoption of the current Zoning Ordinance making them legal non-conforming uses and not requiring Board of Zoning Appeals approval.

There are multiple parcels in this vicinity that are zoned R-1, R-2 & R-3. This proposed rezoning to R-4 is transitional with other parcels in this area and appropriate for its current uses.

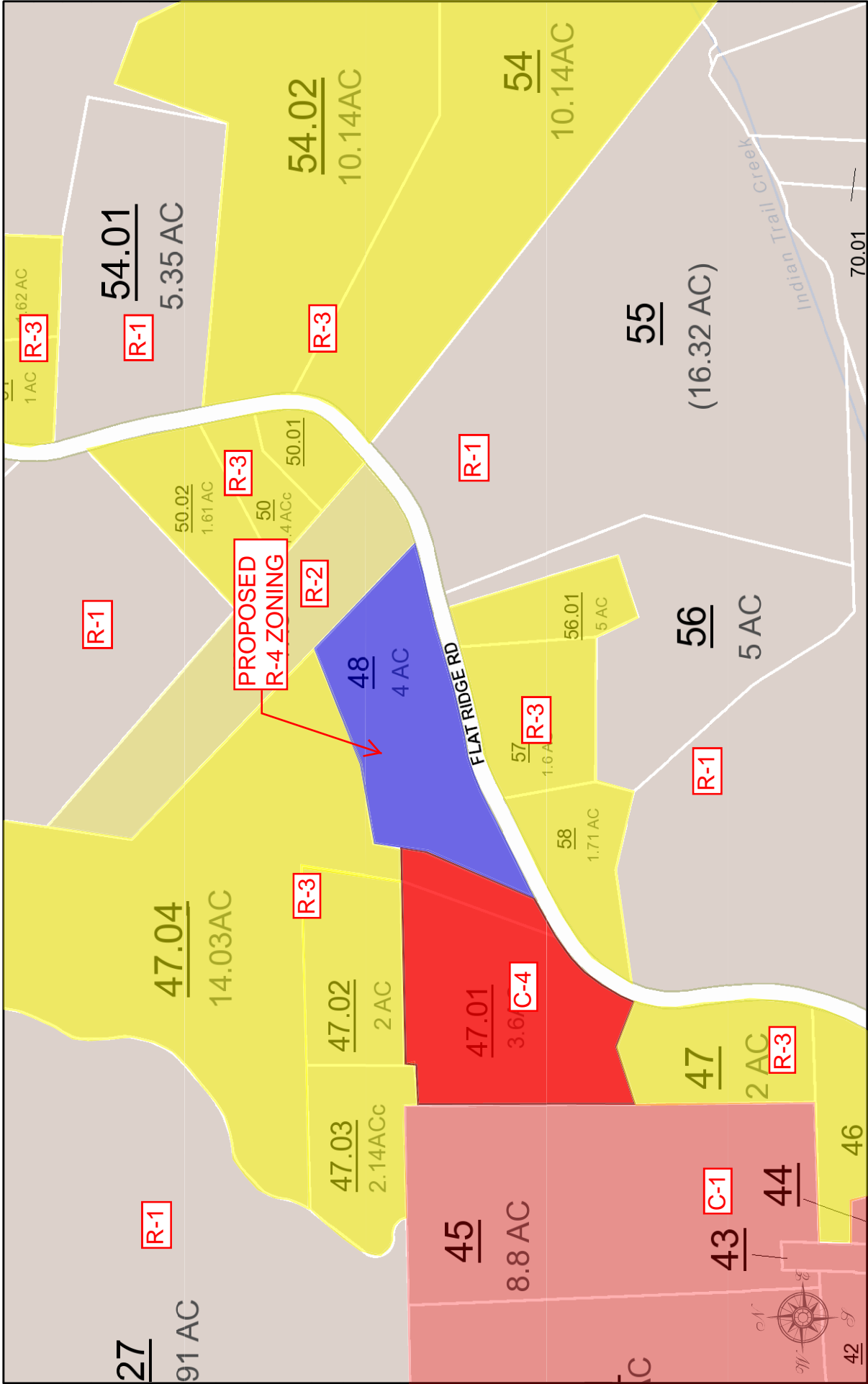
Attachments: Area map with zoning designations
Sketch of proposed Subdivision Replat
Legal Description

Public Notice Sign Posted: yes

Recommendation: Approval by the Planning Commission to recommend approval to amend the City's Zoning Map designation for this parcel to from Residential R-2 to R-3 by the City Commission.

Conditions, if any: None.

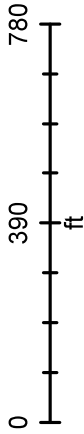
SC 118 048.00 Parcel Map

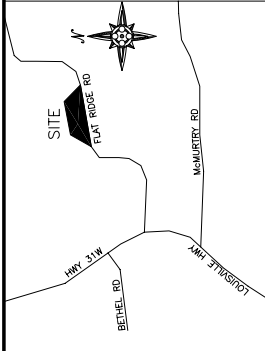


SUMNER COUNTY, TENNESSEE

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP.

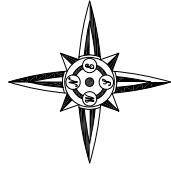
MAP DATE: April 3, 2019





VICINITY MAP: NOT TO SCALE

TOTAL AREA: 3.59 ACRES +/-



SOURCE OF NORTH



MAP 118, PARCEL 49.00
BILLY RIPPY
RB.1836, PG.109, R.O.S.C.T.

MAP 118, PARCEL 47.04
NORTHBRIDGE TRUST
T.L. LAKEVER TR.
RB.4714, PG.327, R.O.S.C.T.

①
0.86 AC +/-
37,245 SQ.FT. +/-
EXISTING HOUSE

②
0.84 AC +/-
36,435 SQ.FT. +/-
EXISTING HOUSE

③
0.99 AC +/-
43,051 SQ.FT. +/-
EXISTING HOUSE

④
0.90 AC +/-
39,228 SQ.FT. +/-
EXISTING HOUSE

NOTES:

1. The purpose of this survey is to subdivide Parcel 48.00 of Map 118 into (4) four separate lots as shown hereon.
2. This property is Zoned T2. Property address is 165-173 Flat Ridge Road, Goodlettsville, TN 37072.
3. Bearings for this survey were obtained from TN State Plane Coordinates. Field work for this survey performed March, 2019.
4. All corners are 1/2" rebar with cap set by this surveyor, unless noted otherwise.
5. The underground utilities have not been physically located. Above grade and underground utilities shown were taken from visible appearances at the site, public records, and/or maps prepared by others. This surveyor makes no guarantee that the underground utilities shown represent all such utilities in the area or that the underground utilities shown are in the exact location indicated. The appropriate utility provider must be contacted to confirm availability and location of utilities.
6. Any and all utilities may carry one or more easements. Property owner must contact the appropriate utility authority for the exact location of these easements.
7. **Federal Flood Note:** This property is not in an area designated as a special flood area as shown on Community NFP Map No. 47165C0270E, Effective Date February 20, 2008.
8. This survey was performed without benefit of title search, therefore this property is subject to any findings that a current and accurate title search might reveal.
9. Drainage easements outside of designated right-of-ways are not the responsibility of Sumner County.
10. This map may not be altered without consent of this surveyor.
11. To insure appropriately designed and installed drainage systems within this subdivision development, structures to be erected on the lots proposed within this subdivision shall be constructed with positive drainage, draining away from the exterior of the structure, at the following minimum threshold: 5% for a minimum distance of 10 feet from the perimeter of the structure.
12. The lots may have been disturbed by grading operations performed during or before development of this subdivision; the builder and/or owner should investigate the current soil conditions and consult with others to assure that a conventional footing will be adequate.
13. It is the responsibility of each lot owner or builder to grade each lot so that the lots will drain the surface water, without ponding on the lot or underneath the buildings, to the drainage system.

PROPERTY INFORMATION:

OWNER: PHILLIP GRAVES
ADDRESS: 467 BONNIE VALLEY DR
LEBANON, TN 37087
MAP 118, PARCEL 48.00
RECORD BOOK 4105, PAGE 52
REGISTER'S OFFICE OF
SUMNER COUNTY TENNESSEE

K&A Land Surveying
1012 Sparta Pike Lebanon TN, 37087
Office Phone- 615-443-7796

FINAL PLAT OF THE

PHILLIP GRAVES PROPERTY

MAP 118, PARCEL 48.00
7TH CIVIL DISTRICT of SUMNER COUNTY, TENNESSEE

DATE: APRIL 1, 2019 JOB # 19-0322-3215

| REVISION DATE | REVISION DATE |
|---------------|---------------|
| | |
| | |

Legal Description for the property known as Sumner County Map 118 Parcel 048.00

LAND in Sumner County, Tennessee, described as follows, to wit:

Beginning at a point in the centerline of Flat Ridge Road, said point being a corner of Nichols; thence with the centerline of Flat Ridge Road for four calls as follows: South 76 degrees West 147 feet; South 62 degrees 45 minutes West 125 feet; South 88 degrees 15 minutes West 249 feet; South 58 degrees 15 minutes West 331 feet to a point in the centerline of said road; thence with the line of D. Covington, North 15 degrees East 301 feet to a stake; thence continuing with the line of D. Covington for three more calls, as follows: North 4 degrees 30 minutes East 95 feet to a point; North 80 degrees 20 minutes East 197.7 feet; North 65 degrees 40 minutes East 203 feet to a stake in the line of Nichols; thence with the line of said Nichols, South 42 degrees 30 minutes East 330 feet to the beginning, containing 4.0 acres, more or less.

Being the same property conveyed to Walter R. Dowlen or Jeanine Dowlen, Trustees of the Dowlen Family Trust dated December 14, 2011 by deed from Walter Raymond Dowlen of record in Record Book 3533, Page 649, Registers Office, Sumner County, Tennessee.

This conveyance is subject to all matters on plan of record in Plat Book 9, Page 96, said Register's Office.

This is improved property and known as 165 - 173 Flat Ridge Road, Goodlettsville, TN 37072



City of Millersville Development Services

Planning Commission Item #7b

Summary & Recommendation

Date: April 9, 2019

Reviewer: Michael Barr, Development Services Director

Subject: Minor Subdivision Plat of the parcel known as 165-173 Flat Ridge Rd (SC Map 118 Parcel 048.00).

Background: The owner of the subject parcel is requesting to divide the approximately 4.0 acre +/- parcel into four parcels. The master parcel is currently occupied by four duplexes. The proposed lots will include one duplex per lot. Most of the duplexes will share driveways on the proposed lots lines

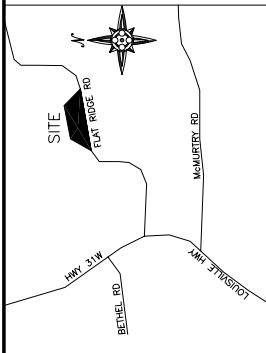
This proposed subdivision with resulting lots will conform to the Residential R-4 Zoning District's standards and restrictions including the minimum site requirements for duplexes. The proposed lot sizes are complimentary to many other parcels in the vicinity.

Attachments: Final Subdivision Plat – Phillip Graves Property

Public Notice Sign Posted: n/a

Recommendation: "Conditional" Approval by the Planning Commission to subdivide the parcel per the attached Final Subdivision Plat and City Commission approval of the associated rezoning to Residential R-4.

Conditions, if any: Above.



VICINITY MAP: NOT TO SCALE

NOTES:

1. The purpose of this survey is to subdivide Parcel 48.00 of Map 118 into (4) four separate lots as shown herein.
2. This property is **Zoned R-4**. Property address is 655-173 Flat Ridge Road, Goodlettsville, TN 37087.
3. Plat Reference: PB 9, PG 96 Ridge View Acres
4. Bearings for this survey were obtained from TN State Plane Coordinates. Field work for this survey performed March, 2019.
5. All corners are 1/2" rebar with cap set by this surveyor, unless noted otherwise.
6. The underground utilities have not been physically located. Above grade and underground utilities shown were taken from visible appearances at the site, public records, and/or maps prepared by others. This surveyor makes no guarantee that the underground utilities shown represent all such utilities in the area or that the underground utilities shown are in the exact location indicated. The appropriate utility provider must be contacted to confirm availability and location of utilities.
7. Any and all utilities may carry one or more easements. Property owner must contact the appropriate utility authority for the exact location of these easements.
8. **Federal Flood Note:** This property is not in an area designated as a special flood area as shown on Community NFIP Map No. 47165C0270E, Effective Date February 20, 2008.
9. This survey was performed without benefit of title search, therefore this property is subject to any findings that a current and accurate title search might reveal.
10. Drainage easements outside of designated right-of-ways are not the responsibility of Sumner County.
11. This map may not be altered without consent of this surveyor.
12. To insure appropriately designed and installed drainage systems within this subdivision development, structures to be erected on the lots proposed within this subdivision shall be constructed with positive drainage, draining away from the exterior of the structure, at the following minimum threshold: 5% for a minimum distance of 10 feet from the perimeter of the structure.
13. The lots may have been disturbed by grading operations performed during or before development of this subdivision; the builder and/or owner should investigate the current soil conditions and consult with others to assure that a conventional flooding will be adequate.
14. It is the responsibility of each lot owner or builder to grade each lot so that the lots will drain the surface water, without ponding on the lot or underneath the buildings, to the drainage system designed by the subdivision engineer.

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown herein has been found to comply with the subdivision regulations, with the exception of such variances, if any, as noted in the minutes of the Planning Commission and that it has been approved for recording in the Office of County Registrar.

Secretary, Planning Commission

Date

Certificate of Ownership

I (we) hereby certify that I am (we are) the owners of the property shown and described herein as evidenced in book number RB-4105, page 52 and that I (we) adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and that offers of irrevocable dedication for all public ways, utilities and other facilities have been filed as required by these regulations.

Owner (Print)

Date

Signature

Certificate of Accuracy

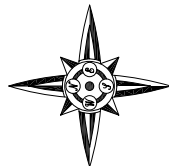
I hereby certify that the plan shown and described herein is a true and correct survey to the best of my knowledge and belief. This is a Category 1 land survey as defined in Title 62, Chapter 18, Tennessee Code Annotated and the unadjusted closure ratio of the survey shown herein meets and/or exceeds 1:10,000.

Brian Ward Keith, TN RLS# 2459
Office Phone 615.443.7796
1012 Sparta Pike
Lebanon, TN 37087

Date



TOTAL AREA: 3.59 ACRES +/-



SOURCE OF NORTH
IN STATE PLANE
(NAD 83)



MAP 118, PARCEL 49.00
BILLY RIPPY
RB.1836, PG.109, R.O.S.C.T.

MAP 118, PARCEL 47.04
NORTHBRIDGE TRUST
T.L. LAKEVER TR.
RB.4714, PG.527, R.O.S.C.T.

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FINAL PLAT OF THE

PHILLIP GRAVES PROPERTY

MAP 118, PARCEL 48.00

7TH CIVIL DISTRICT of SUMNER COUNTY, TENNESSEE

DATE: APRIL 1, 2019 JOB # 19-0322-3215

REVISION DATE
REVISION DATE

REVISION DATE
REVISION DATE



City of Millersville Development Services

Planning Commission Item 7c

Summary & Recommendation

Date: April 9, 2019

Reviewer: Michael Barr, Development Services Director

Subject: Rezone 103-107 Long Dr (SC Map 140 Parcels 084.01 & 84.02) from Industrial I-1 to I-2

Background: The subject parcel's owner is requesting to rezone the subject two parcels from Light Industrial I-1 to Intermediate Industrial I-2. These parcels are currently vacant but are proposed for a concrete batching plant. This proposed use is permitted in the I-2 zoning district Sec. 90-213.

The Long Drive area of the City is mostly zoned I-1 although most of its current uses are more intense. Most of these uses were active prior to the adoption of the current Zoning Map and zoning designations. There is only one parcel in this area zoned otherwise. This parcel is zoned Commercial C-1 and has one single-family home on it. Please note this area borders with the City of Goodlettsville including parcels nearby zoned Commercial-General and Residential R-40 (40,000 sf lots). The portion of the R-40 zoned property abutting Long Dr is very steep and unlikely to be developed.

The subject parcels meet the minimum standards and restrictions of the proposed I-2 zoning designation. This proposed rezoning to I-2 is transitional with other parcels in this area.

Attachments: Area map with zoning designations
Legal Description
Section 90-213 – Intermediate industrial district I-2

Public Notice Sign Posted: n/a

Recommendation: Approval by the Planning Commission to recommend approval to amend the City's Zoning Map designation for these parcels to from Industrial I-1 to I-2 by the City Commission.

Conditions, if any: None.

City Limits



A vertical number line with tick marks at 0, 390, and 780. The unit "ft" is written next to the 390 mark.



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MAP DATE: April 3, 2019

Legal Description for the parcel known as Sumner County Map 140 Parcel 084.01

Land lying in the Sixth Civil District of Sumner County, Tennessee, and designated as Tract No. 1 on a survey by J. Bruce Rainey, Surveyor, Reg. No. 823, dated October 22, 1991, and known as Job No. 910270, and described as follows:

BEGINNING at an iron pin set in the northerly margin of Long Drive, said point being the Southwest corner of the herein described tract and also being the Southeast corner of the John and Bessie Long property, of record in Deed Book 132, page 495, register's Office for Sumner County, Tennessee; thence, leaving Long Drive and running with a fence line and Long's west property line North 14°41' 11" East 252.24 feet to an iron pin set in a fence line; thence, North 11° 19' 56" East 163.16 feet to an iron pin set in a fence line; thence, North 27° 11' 47" East 487.60 feet to an iron pin set in a fence line; thence, North 45° 21' 05" East 64.07 feet to an iron pin set in a fence line; thence, leaving the fence line and Long's line South 04° 47' 54" East 866.28 feet to an iron pin set on the northerly margin of Long Drive, said point being the southeast corner of the herein described tract and also being the southwest corner of Tract No. 2; thence, with the northerly margin of Long Drive South 87° 27'06" West 437.34 feet to the point of BEGINNING.

BEING part of the same property conveyed to Top of the World Music Investment and Holding Co. Inc. by Deed from James Samuel McGuire, Virginia Gail McGuire and Jeremy Edward McGuire, a minor, of record in Record Book 276 page 679 Register's Office for Sumner County, Tennessee.

This conveyance is subject to any and all zoning regulations, building restrictions and setback lines, if any, and easements and rights for public utilities applicable to this property.

This conveyance shall be subject to the Reservation Easement for Ingress, Egress and Regress and for future installation of Public Utilities, as of record in Record Book 268, Page 278, and as amended in Record Book 274, page 784, both of record in the Register's Office for Sumner County, Tennessee.

Legal Description for the parcel known as Sumner County Map 140 Parcel 084.02

Land lying in the Sixth Civil District of Sumner County, Tennessee, and designated at Tract No. 2 on a survey by J. Bruce Rainey, Surveyor, Reg. No. 823, dated October 22, 1991, and known as Job No. 910270, described as follows:

Beginning at an iron pin set in the northerly margin of Long Drive, said point being the southwest corner of the herein described tract and also being the southeast corner of Tract No. 1, said point also being located approximately 1,825 feet along Long Drive from the intersection of Long Drive and Highway 31, said point also being located approximately 437.34 feet from the southeast corner of the John and Bessie Long property of record in Deed Book 132, page 495 R.O.S.C., TN; thence leaving the northerly margin of Long Drive with the common line between Tracts 1 and 2 North 04 degrees 47 minutes 54 seconds West 866.28 feet to an iron pin set in a fence line said point being the northwest corner of the herein described tract the northeast corner of Tract No. 1 and a point in the easterly property line of the John and Becky Long property of record in Deed Book 132, page 495, R.O.S.C., TN; thence with a fence line and Long's easterly property line North 45 degrees 21 minutes 05 seconds East 321.11 feet to an iron pin; thence North 45 degrees 44 minutes 30 seconds East 166.28 feet to an iron pin set in a fence line; thence North 34 degrees 08 minutes 53 seconds East 39.93 feet to an iron pin set in a fence line, said point being the Northeast corner of the herein described tract, the northwest corner of Tract No. 3 ; thence leaving Long's line and the fence line and running with the common line between Tracts 2 and 3 South 04 degrees 47 minutes 54 seconds East 1,195.64 feet to an iron pin set on the northerly margin of Long Drive said point being the southeast corner of the herein described tract and the southwest corner of Tract No. 3, thence with the northerly margin of Long Drive South 83 degrees 09 minutes 40 seconds West 385.38 feet to an iron pin set; thence South 87 degrees 27 minutes 06 seconds West 14.87 feet to the point of beginning.

Being part of the same property conveyed to Top Of The World Music Investment & Holding Co., Inc. by deed from James Samuel McGuire, Virginia Gail McGuire and Jeremy Edward McGuire (a minor), of record in Record Book 276 page 681, Register's Office for Sumner County, Tennessee.

This conveyance is subject to any and all zoning regulations, building restrictions and setback lines, if any, and easements and rights for public utilities applicable to this property.

This conveyance shall be subject to the Reservation of Easement for Ingress, Egress and Regress and for future installation of Public Utilities, as of record in Record Book 268, Page 278, and as amended in Record Book 274, Page 784, both of record in the Register's Office for Sumner County, Tennessee.

Sec. 90-213. - Intermediate industrial district I-2.

- (a) *Intent.* This district is intended for industrial uses that create a center for employment, but also possess a limited impact on the community or environment as a function of their business operation.

No sound, associated with the uses below, shall have objectionable intermittence, volume, beat frequency or shrillness that is transmitted beyond their property lines greater than 80 decibels.

Any outside storage, incidental to the primary operation, shall be so screened by ornamental walls and fences so that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level.

All buildings in this district must comply with the most current version of the Commercial, Industrial, and Multi-family Design Review Criteria.

- (b) *District regulations.* Within all I-2 districts, the following regulations shall apply:

(1) **Permitted uses**

- a. All the uses permitted by right in the light industrial district LI-1.
- b. Amusement, athletic, or similarly related recreational enterprises.
- c. Automobile service stations and vehicle repair facilities.
- d. Bus terminals and other public transportation facilities compliant with the storm water ordinance complete with storm water filtration devices.
- e. Manufacture, processing, repair, compounding, packaging, assembly, or treatment plants or facilities for equipment, materials, or products—excluding those expressly prohibited below. The processing element of such facilities must be in a fully enclosed building. Accessory and storage uses must fully enclosed or fully concealed from public view.
- f. Public utility buildings and services, electric transportation and distribution substations and public utility service centers.
- g. Recycling centers with fully enclosed operations.

(2) *Uses permitted by special exception.*

- a. Group assembly.

(3) *Uses prohibited.* All uses of land and space that are not permitted by right or special exception. Additionally the following uses are expressly prohibited in the intermediate industrial district (I-2).

- a. Blast furnaces.
- b. Chemical manufacturing of all types and kinds.
- c. Distillation or manufacture of bones, coal, wood, tar or their products.
- d. Drop forges for all metallurgy.
- e. Excavation and mining uses.
- f. Fat, grease, lard or tallow manufacturing or processing.
- g. Manufacturing, processing, or storage of explosives or fireworks.
- h. Nuclear processing of type or kind.
- i. Production or refining of petroleum or other inflammable liquids and the storage of raw hides or skins.
- j. Slaughtering or eviscerating plants or stockyards.

k. Tanning, curing or storage of raw hides or skins.

l. Waste processing and/or incineration operations except by the city or its agents.

- (4) *Lot area, lot width, yards and building area.* The principal structures in the I-2 district shall be located to comply with the following requirements:

Lot area, lot width, and side yard setbacks:

Minimum lot area 2 acres

Minimum lot width and building lot line 100 feet

Minimum front yard setback 65 feet

Minimum side yard setback 25 feet

Minimum rear yard setback 35 feet

Corner lots shall be considered to possess two front yards.

- (5) *Building area.* No more than 50 percent of any I-2 lot shall be covered or occupied by the total area of the combined square footage of all buildings on the lot.
- (6) *Height.* All structures in the I-2 lot shall have their heights limited to two stories, or to the current capacities of the Millersville Fire Department as determined by the planning commission.
- (7) *Location of accessory structures.* With the exception of signs, accessory structures in the I-2 district shall not be erected in any required front yard, and shall be located at least ten feet from any lot line from any building on the same lot, and be constructed with the approved materials detailed in the commercial, industrial, and multifamily design review criteria.
- (8) *Parking space provisions.* Parking space provisions in the I-2 district are as regulated in the industrial zoning section located in article III, division 11, subdivision II of this chapter.
- (9) *Landscaping.* All I-2 lots must be landscaped to 15 percent of the total lot. That total must include a well-maintained landscaped strip at least ten feet wide along all public rights-of-way.

When abutting commercial or residential districts, the most strict yard setbacks, between the two, shall apply to the most recent neighbor, or building. Additionally, a buffer strip, planted to the standards of the zoning chapter definition, must be installed by the latest neighbor, or building. The buffer strip shall be in addition to the required landscaping percentage.

- (10) *Fencing.* All fencing shall be opaque, ornamental, and not permissible in the front of any principal building.
- (11) *Dumpsters.* All efforts shall be made to locate dumpsters and compactors out of view from public rights-of-way, and be entirely screened by architectural masonry, or solid wooden (including gate) at least six feet in height.
- (12) *Monument ground signs,* lit by exterior lighting only, are the only permissible signage allowable in the I-2. The maximum height is seven feet (from grade), the maximum length is 11 feet. If the sign is less than the maximums then the required ratio of length to height is 11:7.

Item 9a

13-7-208. Enforcement of ordinances -- Remedies -- Applicability of provisions.

(a)

(1) The chief legislative body may provide for the enforcement of any ordinance enacted under this part and part 3 of this chapter. A violation of any such ordinance is a Class C misdemeanor.

(2) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any ordinance enacted under this part and part 3 of this chapter, the building commissioner, municipal counsel or other appropriate authority of the municipality, or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure or land.

(b)

(1) In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivisions, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions, and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted; provided, that no change in the use of the land is undertaken by such industry or business.

(2) When the use permitted to continue to expand, or to be rebuilt pursuant to any subsection of this section is an off-premises sign, such use shall not preclude any new or additional conforming use or structure on the property on which the sign structure is located or on any adjacent property under the same ownership; provided, however, that any such new or additional use or structure does not result in any violations of the applicable zoning restrictions other than those nonconformities associated with the off-premises sign as allowed under this subdivision (b)(2).

(c) Industrial, commercial or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business which were permitted prior to the change in zoning; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

(d)

(1) Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change; provided, that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business, where such conduct was permitted prior to a change in zoning; provided, that there is a reasonable amount of space for such expansion on the property

owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

(2)

(A) Multifamily residential establishments, whether used as owner-occupied property or rental property, which were permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to reconstruct new facilities necessary to the conduct of such multifamily residential establishment subsequent to the zoning change, in the event of damage, whether partial or complete, by involuntary fire or wind damage or other natural disaster.

(B) If any such new facilities exceed the original height, density, setback, or square-footage of the original facilities in existence immediately prior to the damage, then the new facilities shall constitute a change in the use of the land, and any protections provided hereunder shall be forfeited.

(C) If any such new facilities do not exceed the original height, density, setback, or square-footage of the original facilities in existence immediately prior to the damage, then the new facilities shall constitute a continuation of the use of the land immediately prior to the damage, and any protections provided hereunder shall not be forfeited.

(D) Whenever any ordinance enacted under authority of this chapter establishes stricter terms regarding the amount of partial damage that may be allowed without forfeiture of these protections, then the provisions of any such ordinance shall govern.

(E) New facilities shall comply with all architectural design standards required under current zoning regulations and be consistent with the architectural context of the immediate and adjacent block faces.

(e) Subsections (b)-(d) apply only to land owned and in use by such affected business, and do not operate to permit expansion of an existing industry or business through the acquisition of additional land.

(f) Subsections (b)-(e) do not apply to any municipality defined as a premiere type tourist resort according to § 67-6-103(a)(3)(B).

(g) Except as provided in subsection (l), subsections (b)-(d) shall not apply if an industrial, commercial, or other business establishment ceases to operate for a period of thirty (30) continuous months and the industrial, commercial, or other business use of the property did not conform with the land use classification as denoted in the existing zoning regulations for the zoning district in which it is located. Anytime after the thirty-month cessation, any use proposed to be established on the site, including any existing or proposed on-site sign, must conform to the provisions of the existing zoning regulations. For the purposes of this subsection (g), the thirty-month period of continuous ceased operation shall be tolled by:

(1) The period in which an industrial, commercial, or other business establishment is party to any action in a court of competent jurisdiction regarding the use of the property until such time that a final settlement, order, decree, or judgment has been rendered;

(2) Any period in which a facility is being constructed, reconstructed, renovated, or refurbished, provided that all necessary building permits were obtained within thirty (30) months of cessation of continuous use;

(3) The filing of an application for a building permit for the alteration, renovation or reconstruction of a structure which is non-conforming or of a structure in which or out of which a non-conforming industrial, commercial or other business use operates or is located; or

(4) The reactivation of the non-conforming use any time prior to the end of the thirty-month period; provided, however, that the restrictions of this subsection (g) and subsection (i) shall only apply if

the property owner intentionally and voluntarily abandons the nonconforming use of the property. In any contested matter on the use of such property, the government has the burden of proving an overt act of abandonment in such matter.

(h) Subsections (b)-(d) shall apply to an off-site sign which, for the purposes of this subsection (h), means any sign that advertises or gives direction to any business, product, service, attraction, or any other purpose or interest, other than the industrial, commercial or other business establishment located on the site where the sign is located; provided, however, that any expansion shall be limited as follows:

(1) Any off-site sign smaller than a standard 8-sheet poster which, for the purposes of this subsection (h), means an off-site sign with overall dimensions of at least five feet four inches (5' 4") to six feet two inches (6' 2") in height and eleven feet four inches (11' 4") to twelve feet two inches (12' 2") in width shall not be expanded to a size greater than a standard 8-sheet poster;

(2) Any standard 8-sheet poster shall not be expanded to a size greater than a 30-sheet poster which, for the purposes of this subsection (h), means an off-site sign with overall dimensions of twelve feet three inches (12' 3") in height and twenty-four feet six inches (24' 6") in width;

(3) Any standard 30-sheet poster shall not be expanded to a size greater than any standard bulletin which, for the purposes of this subsection (h), means any off-site sign with overall dimensions of ten feet (10') to fourteen feet (14') in height and thirty-six feet (36') to forty-eight feet (48') in width;

(4) Any standard bulletin shall not be expanded to a size greater than any super bulletin which, for the purposes of this subsection (h), means any off-site sign with overall dimensions of sixteen feet (16') to twenty feet (20') in height and sixty feet (60') in width;

(5) Any super bulletin shall not be expanded;

(6) Any off-site sign with a height larger than standard 8-sheet poster height or width larger than standard 8-sheet poster width but not meeting the definition of a standard 8-sheet poster, a standard 30-sheet poster, a standard bulletin, or a standard super bulletin shall not be expanded by more than one hundred percent (100%) of its surface area; or

(7) Any operation, rebuilding, or expansion of an off-site sign that has been in existence for ten (10) years or more shall not be denied solely on the basis that the original permit for the sign does not exist to prove that it was a lawful use when constructed.

(i) Notwithstanding subsection (d), any structure rebuilt on the site must conform to the provisions of the existing zoning regulations as to setbacks, height, bulk, or requirements as to the physical location of a structure upon the site, provided that this subsection (i) shall not apply to off-site signs.

(j) Subsections (g), (h) and (i) do not apply to any home rule municipality; provided, however, that subject to the approval of the local legislative body, a home rule municipality may opt into these subsections.

(k) Notwithstanding subsections (a)-(i), subsection (g) shall not apply to any industrial establishment location where twenty-five percent (25%) or more of the gross annual sales from such location are derived from sales to or contracts with Local, state or federal governments or as a subcontractor to contracts with local, state or federal governments, or to any industrial establishment location where seventy-five percent (75%) or more of the gross annual sales from the location are made to agriculture or construction businesses.

(l)

(1) As used in this subsection (l):

(A) "Block" means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development; and

(B) "Motor vehicle business establishment" means a business establishment that sells operable motor vehicles and all the motor vehicles have been previously titled, excluding any franchised retail motor vehicle dealership located on property that is principally used for the marketing and display of new motor vehicles, whether by sale, rental, lease or other commercial or financial means that is primarily housed in a structure and characterized by a mixture of the following secondary supporting uses:

- (i) An inventory of new or used motor vehicles in operating condition for sale or lease either on the same parcel or at a location affiliated with a franchised retail motor vehicle dealership; and
- (ii) On-site facilities for the repair and service of motor vehicles previously sold, rented or leased by the retail motor vehicle dealership.

(2) In any municipality having a metropolitan form of government and a population of over five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census, any nonconforming motor vehicle business establishment may be terminated after notice and a hearing before the board of zoning appeals upon a finding that all of the following have been established in the record before the board of zoning appeals:

(A) Another motor vehicle business establishment is located within the one thousand feet (1,000') of the nonconforming motor vehicle business establishment, in the same block as the nonconforming motor vehicle business establishment, or in the block across a public street or road from the block in which the nonconforming motor vehicle business establishment is located;

(B) The parcel on which the nonconforming motor vehicle business establishment is located has less than two hundred fifty feet (250') of frontage on any public street or road, excluding any portion of the frontage not owned or leased by the licensed operator of the nonconforming motor vehicle business establishment; and

(C) At least ten percent (10%) of the inventory of the nonconforming motor vehicle business establishment at any point in time consists of motor vehicles titled pursuant to title 55, chapter 3, part 2, including, but not limited to, vehicles with salvage titles, flood titles, rebuilt titles, or nonrepairable vehicle certificates. The operator of the nonconforming motor vehicle business establishment shall make the titles for all of the vehicles located on the premises of the nonconforming motor vehicle business establishment immediately available upon request of a local zoning inspection official, or produce the original titles at the office of the local zoning inspection official within three (3) business days of the request by the local zoning inspection official. The failure of the nonconforming motor vehicle business establishment to make the titles for the vehicles located on the premises of the nonconforming motor vehicle business establishment available to the local zoning inspection official in accordance with this subsection (I) shall create a rebuttable presumption that at least ten percent (10%) of the inventory of the nonconforming motor vehicle business establishment consists of the motor vehicles titled pursuant to title 55, chapter 3, part 2.

(3) All other industrial, commercial or other business establishments in any municipality with a metropolitan form of government and a population of over five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census, shall be entitled to operate pursuant to subsection (g).

(m)

(1) If any land area becomes subject to land use restrictions imposed pursuant to a redevelopment plan undertaken by any governmental agency of this state or of its political subdivisions pursuant to chapter 20, part 2 or part 7 of this title, or if the land area is subject to land use restrictions that are amended by any governmental agency of this state or of its political subdivisions pursuant to chapter 20, part 2 or part 7 of this title, and if the land use restrictions differ from the land use

restrictions contained in the amended land use restrictions, then any industrial, commercial, or other business establishment in operation and permitted to operate prior to the initial adoption of the land use restrictions or an amendment thereto, shall be allowed to continue in operation and shall be permitted; provided, that no change in the use of the land is undertaken by the industrial, commercial, or business establishment.

(2) Immediately preceding an initial adoption of the land use restrictions or an amendment of the restrictions, industrial, commercial, and other business establishments in operation and permitted to operate under land use restrictions imposed pursuant to a redevelopment plan undertaken by any governmental agency of this state or of its political subdivisions pursuant to chapter 20, part 2 or part 7 of this title, shall be allowed to replace facilities necessary to conduct the industry or business if the facilities are acquired by a governmental entity pursuant to the power of eminent domain, or under threat of the exercise of the power of eminent domain, or replace facilities required to be relocated as the result of the acquisition of property by a governmental entity pursuant to the power of eminent domain, or under threat of the exercise of the power of eminent domain, or to rebuild facilities if they are damaged by unplanned casualty or act of God; provided, that:

(A) The replacement facilities shall not be larger in size than the facilities in existence prior to the acquisition, relocation, or damage caused by unplanned casualty or act of God;

(B) The construction of the replacement facilities shall commence within thirty (30) months of the date of the taking or acquisition under threat of the exercise of the power of eminent domain or the date of the damage caused by unplanned casualty or act of God; and

(C) There is a reasonable amount of space for the replacement facilities on the property owned by the industry or business situated within the area that is affected by the adoption of the land use restrictions or an amendment of the restrictions, so as to avoid nuisances to adjoining landowners.

(3) Subdivision (m)(2) applies only to land owned and in use by the affected industrial, commercial, or other business establishment prior to acquisition or relocation resulting from the exercise of the power of eminent domain, or the threat of the exercise of the power of eminent domain, or the damage to facilities caused by unplanned casualty or act of God, and does not operate to permit the replacement of facilities necessary to the conduct of the industry or business through the acquisition of additional land.

(4) Subdivisions (m)(2) and (3) apply only to any acquisition or relocation of facilities within an area subject to land use restrictions imposed pursuant to a redevelopment plan undertaken on or after July 1, 2015, by any governmental agency of this state or of its political subdivisions pursuant to chapter 20, part 2 or part 7 of this title, or to damage to facilities caused by casualty or act of God occurring on or after July 1, 2015, regardless of the redevelopment plan's date of enactment.



Development Services Department Report

March 2019

Please find the following project and activity summaries for your information:

Bethel Ridge Mixed Use – Mixed Density Development – On hold

Bethel Farms Subdivision – Construction Plans are approved. Developer obtaining required state permits. Site work is out to bid. A Land Disturbance Permit is expected to be issued soon to begin site work. Updated the City's Subdivision Development Agreement (1995) for this project, to be reviewed and approved with the Final Subdivision Plat.

Quarterhorse Multi-family & Self Storage Development – Conceptual Planning and initial site work (LDP) permitting in process. **Storage Units being constructed**

Menefee Parcel – this parcel was recently acquired by a local developer and is actively working with staff on preliminary conceptual plans. **Owner to submit Conceptual Plans soon**

Project “WALLY” – Staff is in discussions with **two** new business to locate in our City. Staff has identified an appropriate parcel (owned by the County) and has begun the acquisition process. Also, exploring Economic Development funds for infrastructure to service the property and tax incentives for the business. This parcel may allow for relocation of the City's Public Works Facility. **Working with Robertson County on land acquisition and preparing various lease & royalty documents**

Site Plans – Two Applications

Subdivision Plats – One Application

Rezoning – Two Applications

Board of Zoning Appeals – Two Special Exception Applications

Building and Municipal Code Violations – Working with Staff to document, cite and resolve numerous codes Violations throughout the City ranging from unlawful (not permitted) buildings and occupancies to unlicensed businesses, etc. **Working**

Sign Ordinance (1999) – Staff is reviewing this section of the Code as there appear to dozens of signs throughout the City that do not comply with minimum standards. **Will send Letters to Businesses & Property Owners with 60 Day Notice to conform with Sign Regulations**

Stormwater Ordinance (2010) – TDEC MS4 Audit – Staff is preparing documents & data for two day Audit

Road Maintenance Fees and Restricted Truck Weight Limits (2000) – Staff is drafting revised permitting, processes and fees related to use, damage and road conditions. **Working with Public Works to inventory all City Roads for specifications & condition.**

Downtown Multi-use Path & Sidewalk Project – The City was recently awarded \$835,494 (80/20%) U-TAP Grant for PE-N, PE-D, ROW and Construction. An additional \$1.3 Million (80/20%) TAP Grant application is in process. The City will restart the PE-N Environmental work shortly, then proceed to project design this summer. ROW Acquisition (if necessary) to begin early 2020. **A Resolution from the City Commission to obligate \$208,874 for this project funding is required by TDOT to demonstrate the City's commitment to this project and Grant. Meeting with TDOT for Project Schedule & Funding Timelines.**

I-65 Exit 104 Interchange Lighting Project – Construction & Installation Bids received March 29, 2019. **Lowest Apparent Bid = \$586,763.30**

Old Shiloh Bridge Replacement Project – Project Design is complete and is now in the ROW Acquisition phase. Construction Letting is scheduled for November 2019 with project completion projected summer 2020. **No change**

City Hall Expansion and Renovation – Civil Design by OHM is underway with interior and exterior materials and finishes being reviewed. Temporary relocation plan of City offices and operations being developed. Expected to begin project financing options shortly. **Plans to be presented 04/01/2019**

Sumner County EMS Communications Tower – Ordinance amending Sec. 90-551 in process. County to submit ILA or other document between City & County for Tower on Wilson Lane. **Working**

Cartwright Parkway Extension Project – **Determining how to sell Residential Lot, then use proceeds to construct. Preparing RFP.**

Gravity Sewer Rehabilitation Project – Several Items remain outstanding due to weather caused delays. Project costs came in under TDEC SRF Budget. City added additional work with surplus including lining 25+ more manholes. OHM requested time extension with TDEC. **Working**

Ridge Hill Road Right-of-Way – Staff has forwarded all records to City Attorney as directed. **Working**

Bethel Road Utilities and Infrastructure Needs Assessment – This study (focused on water) is complete and being utilized for grant and funding opportunities associated with Economic Development. Working with WHUD on conceptual project costs & timelines. **Robertson County JECD preparing to request funding assistance from State & Feds.**

Bethel Road Campground – Actively working with owner and his Real Estate Agent to create Redevelopment and Lawsuit & Codes Violations Resolution Plan for buyer. **Working**

Please call or visit my office if you have any questions or suggestions.



Michael Barr
Development Services Director