

ORDINANCE 2023-04

**AN ORDINANCE OF THE CITY OF OAK HILL, TENNESSEE
AMENDING THE MUNICIPAL CODE: CHAPTER 14 – ZONING AND LAND USE CONTROL
PART 1 – ZONING, PART 3 – PLANNING COMMISSION, AND PART 9- TREE MANAGEMENT
AND PROTECTION**

WHEREAS, the City of Oak Hill Board of Commissioners, and the City of Oak Hill Planning Commission, where applicable, have determined, after experience with the Municipal Code effective October 25, 2022, that amendments are needed to achieve the desired objectives of the City of Oak Hill; and,

WHEREAS, public notice has been given and a public hearing has been held on the proposed amendments to the Municipal Code, Chapter 14 – Zoning and Land Use Control, Part 1 - Zoning, including public notice and a public hearing on the amendments to the City’s Zoning Ordinance, Part 1 of Chapter 14, in accordance with T.C.A. §§ 13-7-203 and 204, Part 3 Planning Commission; and Part 9 Tree Management and Protection,

WHEREAS, the City of Oak Hill Planning Commission has reviewed and recommended the adoption of the proposed amendments to the City’s Municipal Code, as codified in Chapter 14 – Zoning and Land Use Control, including Part 1 – Zoning Ordinance of Chapter 14, in accordance with T.C.A. §§ 13-7-203 and 204.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OAK HILL, TENNESSEE as follows:

1. The Municipal Code for the City of Oak Hill, Chapter 14 – Zoning and Land Use Control, Part 1 – Zoning, and Part 3 – Planning Commission, and Part 9 – Tree Management and Protection is hereby amended as shown on **Exhibit A** attached hereto.

Passed First Reading: _____

Passed Second Reading: _____

Mayor Dale Grimes

ATTEST:

City Recorder

Approved as to form and legality:

L. Marshall Albritton, City Attorney

“Exhibit A”

Proposed Code Revisions

Chapter14
Zoning and Land Use Control

Part 1.- Zoning Ordinance

Section 14-103 (g)

Remove:

Special notice required to neighbors of requests for consideration before the board of zoning appeals and planning commission.

Planning commission and board of zoning appeals monthly cases: In additional to existing notification requirements, the city shall attempt to notify all property owners via U.S. Mail within 500 feet of the boundaries of the subject property at least ten days prior to the hearing at which the application will be considered.

Replace with:

Special notice required to neighbors of requests for consideration before the board of zoning appeals and planning commission.

Planning commission and board of zoning appeals monthly cases: In additional to existing notification requirements, the city shall attempt to notify all property owners within the City of Oak Hill via U.S. Mail within 500 feet of the boundaries of the subject property at least ten days prior to the hearing at which the application will be considered.

Section 14-113 (3) (v)

Remove:

If more than one (1) meter is installed for the same type of household utility service, it will be presumed that a structure is not being used as a single-family residence.

Replace with:

Only one water meter (excluding a separate irrigation meter), one gas meter, and one electric meter are allowed per lot.

Section 14-113 Definitions

Remove:

Lot of record, nonconforming. A lot of record that was legally established before adoption of this ordinance, or any subsequent amendment thereof, that does not comply with the current lot area standards within its zoning district.

Replace With:

Lot of record, nonconforming. (see “Nonconforming lot”)

Remove:

Nonconformity. An existing use, structure, lot of record, or sign that does not conform with one or more provisions of this ordinance.

Replace With:

Nonconformity. The portion of an existing use, structure, lot of record, or sign, legally initiated, developed, established, or erected before the effective date of this ordinance or any amendment thereto, that has continued in its use and/or existence without having been discontinued or abandoned for more than one (1) year, and remains unchanged, but that does not conform with one or more provisions of this ordinance.

Add/Insert:

Nonconforming lot. A lot of record legally established before the effective date of this ordinance or any amendment thereto, that has remained unchanged, but that does not conform with one or more provisions of this ordinance.

Remove:

Nonconforming structure. A structure or portion thereof, not including signs, legally developed before the effective date of this ordinance, or any amendment thereto, but that does not comply with all ordinance requirements.

Replace With:

Nonconforming structure. A structure (not including signs) legally developed before the effective date of this ordinance or any amendment thereto, that has continued in its use and/or existence without having been discontinued or abandoned for more than one (1) year, but that does not conform with one or more provisions of this ordinance.

Remove:

Nonconforming use, building/structure, or lot. The use of a building or land, or building/structure, or lot lawful at the time of the enactment of this ordinance that does not conform with the provisions of this ordinance for the district in which it is located.

Replace with:

Nonconforming use. A use legally initiated before the effective date of this ordinance, or any amendment thereto, that has continued in its use and/or existence without having been discontinued or abandoned for more than one (1) year, but that does not conform with one or more provisions of this ordinance.

Section 14-121 (j)

Remove:

Real

Replace with:

Rear

Section 14-121 (k)

Remove:

(k) *Minimum side yard setback.* The minimum side yard setbacks are as set forth in Table II.

Replace with:

(k) *Minimum Side Setback.* The minimum side setback from a property line of an adjoining lot or a side street is as set forth in Table II.

Section 14-121 (l)

Remove and delete:

Maximum heated/cooled space. The maximum heated/cooled space is calculated based on the overall square footage of heated and cooled space as applied against the maximum lot coverage calculation. This requirement does not apply to conditional use permit properties. All conditional use permit properties shall continue to gain approval through the board of zoning appeals per existing regulations.



Replace with:

(l) Side set back: Side Street as set forth in Table II.

Sec. 14-130. - Permissible structures and setback encroachments.

Remove:

In all districts, the following structures are permissible in any yard; provided the structures shall not exceed 14 feet in height and that they shall meet and comply with all other provisions herein, and shall be setback from the property line a minimum of ten feet unless otherwise noted:

Replace with:

In all districts, the following structures are permissible in any yard; provided the structures (excluding low voltage lighting) shall not exceed 14 feet in height and that they shall meet and comply with all other provisions herein, and shall be setback from the property line a minimum of ten feet unless otherwise noted:

Section 14-130 (a)

ADD or Insert: (after the last bullet)

- Equipment and associated foundation pads, including but not limited to HVAC condenser units, pool pumps, emergency power generators that serve primary structures and accessory structures must be installed within the building envelope of the structure served by such equipment. If equipment serves more than one structure, that equipment and pad must be located within the more restrictive setbacks prescribed for those structures.
- Exterior cooking equipment must be located within the building envelope for accessory structures.
- Solar panels must be roof-mounted such that their planes are parallel to the plane of the roof surface. No more space between the solar panels and the roof surface is allowed than that required for mounting equipment. Solar panels must be installed either parallel or perpendicular to the most prominent lines formed by the roof surface materials. Solar panels must be installed on a roof and per manufacturer's instructions.
- Low-voltage landscape lighting is allowed.

Sections 14-132 (a) (1)

Remove:

(a) Accessory Uses.

Replace with:

(a) Accessory Uses.

- (1) Sleeping quarters for servants or employees are only allowed as part of the main dwelling or residence and may not be detached from the residence, nor may they be equipped with cooking or housekeeping facilities.

Section 14-132 (b) (1)

Remove:

The stable shall be located within the building envelope and the rear yard.

Replace With:

The stable shall be located within the accessory structure envelope and the rear yard.

Section 14-132 (b) (2)

Remove:

(2) Private swimming pools and hot tubs subject to further provisions herein. The pool shall be located within the building envelope and in the rear yard.

Replace with:

(2) Private swimming pools and hot tubs subject to further provisions herein. The pool shall be located within the accessory structure envelope and in the rear yard.

Section 14-132 (b) (3)

Remove:

A pool house may also contain a wet bar, including an under-counter refrigerator.

Replace with:

A pool house may also contain a wet bar, including an under-counter refrigerator and under-counter ice maker.

Section 14-132 (b) (3)

Remove:

A pool house shall not be larger than 25 percent of the square footage of the principal structure, not to exceed 1,200 square feet, and shall not be greater than 25 feet in height. The structure shall be located within the building envelope and in the rear yard.

Replace with:

A pool house shall not be larger than 25 percent of the square footage of the principal structure, not to exceed 1,200 square feet in roofed area or building footprint, and shall be the lesser of 25 feet in height or the height of the primary structure. The structure shall be located within the accessory structure envelope and in the rear yard. The design and construction of the pool house shall utilize the same architectural style and materials as the principal structure.

Section 14-132 (b) (5)

Remove:

These facilities shall be located within the building envelope and the rear yard set back.

Replace with:

These facilities shall be located within the accessory structure envelope and the rear yard.

Section 14-132 (b) (7)

Remove:

Patios shall be located within the building envelope and in the rear yard set back.

Replace with:

Patios shall be located within the accessory structure envelope and in the rear yard.

Remove:

(10) All detached garages shall be located within the building envelope and rear yard.

Replace with:

10) All detached garages shall be located within the accessory structure envelope and rear yard.

Section 14-132 (b) (10)

Remove:

Detached garage space may be provided for a maximum of two motor vehicles on any lot, with a maximum size of 900 square feet and a maximum of 25 in height. Any garage space provided in a detached garage shall be considered as part of the total garage space allowed in the principal structure as stated in subsection!

Replace With:

Detached garage space may be provided for a maximum of two motor vehicles on any lot, with a maximum size of 900 square feet and a height limit is lesser of 25 feet or the height of the primary structure.

Section 14-133 (g)

Remove:

(g) Accessory buildings. The construction and design of any pool houses, bathhouses, cabanas, and other facilities shall be of the same general character and design as the principal residence or building on the property. Locker rooms, pool houses, bathhouses, cabanas, shower rooms, toilets, runways and all other physical facilities or equipment incident to the operation of any private swimming pool shall be kept in a sanitary condition at all times.

Refer to [section 14-132](#) for the development standards for accessory structures including those listed in this subsection.

Replace with:

(g) Accessory buildings. The construction and design of any pool houses and other approved, pool-related facilities shall be kept in a sanitary condition at all times and shall be of the same general character and design as the principal residence or building on the property.

Remove: (h)

(h) *Location.* Private swimming pools shall be located within the building envelope and the rear yard.

Replace with:

(h) *Location.* Private swimming pools shall be located in compliance with Section 14-121.

Sec. 14-135. - Off-street parking requirements.

a. Off-street parking spaces, open or enclosed, shall be provided as specified below.

Replace with by Inserting Below Table:

- (b) For the purposes of this section, each bench seat in an auditorium, stadium or church shall be measured as eighteen inches (18") of a bench. The planning commission may authorize the use of off-street parking to comply with the requirements herein provided a written agreement between both parties is provided.
- (c) Total vehicle storage space may be provided for four motor vehicles on any lot in Districts A, B and C, and up to eight motor vehicles on any lot in Districts D, E and F.
- (d) No garage or carport shall have openings for ingress or egress of vehicles into and out of the structure where the sum of such openings exceeds 40 feet along the same face of the structure.

Section 14-137 (b) (1) (xix)

Remove:

(xix) Any other uncontaminated water source.

Sections 14-138

Remove:

Therefore, it is the policy of the City of Oak Hill to protect life and property by requiring special review procedures for construction on any area of fifteen percent (15%) or greater slopes.

Replace with:

Therefore, it is the policy of the City of Oak Hill to protect life and property by requiring special review procedures for construction on, or directly affecting any, steep slope where the area of slope is of 1,000 or more square feet and having a slope of 15 percent or greater.

Sec. 14-139. - Radnor Lake Natural Area Impact Zone.

Sections 14-139 (d)

Add/Insert:

If proposed work or building modification within the Radnor Lake Natural Impact Zone will not affect sitework, trees, vegetation, building height, or any other elements in this subsection that must be reviewed by the Planning Commission, the applicant will not be required to obtain Planning Commission review but must still obtain a permit from the City for the proposed work or modification.

Sections 14-144 (b)

Remove:

A nonconforming structure may continue as it existed when it became nonconforming, as long as it is maintained in its then-structural condition. Nonconforming structures may be expanded or redeveloped in accordance with section 14-146, expansion, alteration, or major repair, but in no event shall a nonconforming structure be expanded, or altered in a way that increases the degree of nonconformity. For example, a structure that is nonconforming with respect to a side yard setback may be expanded within the setback so long as the new portion of the structure is not built any closer to the side lot line than the existing nonconforming structure.

Replace with:

A nonconforming structure may continue as it existed when it legally became nonconforming and may be expanded or redeveloped in accordance with section 14-146, but in no event shall a nonconforming structure be expanded, or altered in a way that increases the degree of any nonconformity.

Sections 14-144 (d)

Remove and delete:

A nonconforming structure damaged by casualty shall not be restored to its condition prior to casualty, and shall meet all provisions of this ordinance, unless the necessary variances or modification of standards are obtained.

Sections 14-146

Remove:

Sec. 14-146. - Expansion, alteration, or major repair.

Replace with:

Sec. 14-146. – Alteration and repair.

Section 14- 146

Remove:

In addition to the ability to continue, undertake minor repairs, or perform routine maintenance, nonconforming uses or structures may also add additional facilities, expand existing building footprints, or destroy and reconstruct all or a portion of the nonconformity only as permitted within this subsection. An applicant proposing to enlarge, expand, alter or make major repairs to a nonconforming use or structure shall submit a proposed site plan to the planning commission for review. The planning commission shall not approve the proposed activity unless it finds that the proposed enlargement, expansion, alteration, conversion, or major repair meets the following standards:

- (a) The nonconforming use has remained in continuous operation and has not been abandoned;
- (b) The nonconforming use is not changing to another nonconforming use;
- (c) The nonconformity is not expanding through the acquisition of additional land; and
- (d) The expanded, altered, or converted portion of the nonconforming structure does not increase the degree of nonconformity as described in § 14-144(b), complies with all other applicable district regulations, or has obtained the necessary variances. (Ord. No. 12-16, Jan. 2013)

Replace with:

- (a) Nonconforming lots: a nonconforming lot may be developed if the proposed development meets the requirements of this code. If the proposed development requires variances from any provision of this code, the applicant must obtain the variances from the Board of Zoning Appeals.
- (b) Nonconforming structures

1. Modifications Due to Casualty: nonconforming structures may be modified or completely demolished and rebuilt, provided the proposed change(s) meets the following standards:
 - i. The burden of establishing that “casualty” has significantly contributed to the damage incurred by the nonconforming structure, shall be on the owner of the land on which the modification or new construction is proposed.
 - ii. The modification or reconstruction does not increase the following elements and measures of the damaged nonconforming structure: footprint, building height, depth, number of floors, or distance of noncompliant encroachment beyond any applicable setback lines; or in any characteristic(s) that caused the nonconformity to be noncompliant.
 - iii. The modification plans are submitted and are approved by the Planning Commission.
 - iv. The modification meets all other currently adopted requirements of this code.
 2. Modifications Not Due to Casualty: nonconforming structures may be modified structurally and/or aesthetically, provided the proposed change(s) meets the following standards:
 - i. The modification does not cause the nonconformity to increase in: footprint, height, depth, number of floors, or distance of noncompliant encroachment beyond any applicable setback lines; or in any characteristic(s) that caused the nonconformity to be noncompliant.
 - ii. The modification does not include demolition of any structural members of the nonconforming structure unless approved by the Planning Commission due to circumstances unique to the property.
 - iii. The modification plans are submitted and are approved by the Planning Commission.
 - iv. The modification meets all other currently adopted requirements of this code.
- (c) Nonconforming uses: a nonconforming use may be modified, provided the proposed change(s) meets the following standards:
- i. The modification does not cause the nonconformity to increase in any characteristic(s) that caused the nonconformity to be noncompliant.
 - ii. The modification plans are submitted and are approved by the Planning Commission.
 - iii. The modification meets all other currently adopted requirements of this code.

Part 3- Planning Commission

Add or Insert:

Sections 14-307. Expiration of Ruling

The Planning Commission may establish expiration dates as a condition or as a part of the decision for approval. Unless specifically established by the Planning Commission, approval of proposed construction shall expire within one (1) year of approval, unless construction is commenced and is being diligently pursued at such expiration date.

Part 9- Tree Management and Protection

Section 14-901 Definitions. (Regarding Caliper)

Replace:

Calliper with Caliper - (*Spell check to make other changes*)

Section 14-901. Definitions. (regarding “steep slope”)

Add:

Steep slope is any area of 1,000 or more square feet and having a slope of 15 percent or more.

Section 14-903 Exemptions

14-903 (d)

Remove:

and private

Section 14-904. Tree removal permit and required inspections.

Remove:

Section 14-904 (d) *Required preservation of certain trees*

Required preservation of certain trees. No tree removal permit shall issue unless it requires that existing trees located between a proposed or existing building or structure and the adjacent public right-of-way of a primary or secondary street with a DBH of eight inches or greater be preserved.

Replace with:

Required preservation of certain trees. No tree removal permit shall issue unless it requires that existing trees located between a proposed or existing building or structure and adjacent public rights-of-way of a primary or secondary street with a DBH of eight inches or greater be preserved.

Remove:

Section 14-904 (g)

Removal of trees from steep slopes. No tree removal permit for removal of tree(s) or other vegetation from steep slopes may be issued unless the regulations for steep slope areas in section 14-138 of the Municipal Code of the city have first been satisfied. Steep slopes are any area of 1,000 or more square feet and having a slope of 15 percent or more.

Replace with:

Section 14-904 (g)

Removal of trees from steep slopes. No tree removal permit for removal of tree(s) or other vegetation from steep slopes may be issued unless the regulations for steep slope (see definition – 14-901) areas in section 14-138 of the Municipal Code of the city have first been satisfied.

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