



5548 Franklin Pike • Suite 101 • Nashville, TN 37220-2128

Date: October 31st, 2023

To: City of Oak Hill Planning Commission

ATTN: Wade Hill, Chairman

From: J. Steven Collie, City Manager

Subject: Review and Recommendation for amending the municipal code of the City of Oak Hill: Chapter 14 – Zoning and Land Use Control: Part 1 – Zoning, Part 3 – Planning Commission, and Part 9- Tree Management and Protection

Dear Chairman Hill:

In accordance with Title 13- Public Planning and Housing, Chapter 7- Zoning, Part 2- Municipal Zoning of TCA 13-7-204, the zoning ordinance, including the maps, may from time to time be amended; but no amendment shall become effective unless it is first submitted to and approved by the planning commission or, if disapproved, receives the favorable vote of a majority of the entire membership of the chief legislative body.

[Acts 1935, ch. 44, § 4; C. Supp. 1950, § 3407.4; T.C.A. (orig. ed.), § 13-704.]

Once this document is returned to the City of Oak Hill’s Legislative Body (Board of Commissioners’) the document will be scheduled for the first reading and public hearing at the January 23rd, 2024 Board of Commissioner’s Regular Meeting.

To begin the public notification of these amendments, please return this exhibit with your recommendation to the Office of the City Manager no later than November 8th, 2023.

Respectfully,

J. Steven Collie
City Manager

Dale Grimes, Mayor
Winston Evans, Vice-Mayor
David DeMarco, Commissioner
Joy O’Dell, Commissioner
Scott Price, Commissioner

J. Steven Collie, City Manager

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

Chapter 14 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 addition 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 addition 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: Interior Lot Line.* The minimum side setback from a property line of an adjoining lot 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.

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 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, and shall not be greater than 25 ft in height. 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 maximum of 25 in height.

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.

Insert Below Table:

(b) 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.

(c) 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.

(d) 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. (Ord. No. 12-16, Jan. 2013)

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, height, or any other elements in this subdivision 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:

- (1) 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.
- (2) Nonconforming structures
 - a. 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.
- b. 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.
- (3) 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 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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Sec. 12-202. Issuance of permit and inspections.

Prior to the installation or replacement of a security gate or barrier, the developer or owner shall obtain a security gate or barrier permit from the City of Oak Hill. A permit shall only be issued for a security gate or barrier meeting the requirements of this chapter. If any changes, alteration, or blocking of private streets are proposed, plans detailing the change accompanied by drawings, shall be submitted to the authority having jurisdiction over the gated community for approval. The city building official shall inspect all such installations. Where installation is proposed within a gated community, inspections of security gates or barriers shall be conducted at the same time as other inspections of the gated community are performed by the city building official. A permit fee, as established by the City of Oak Hill, shall be charged to the developer or owner of the proposed gate. (2011 Code, § 12-202)

Deleted: at a gated community

Deleted: Prior to

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Sec. 12-203. Policies and equipment required for security gates or barriers.

- (1) All security gates or barriers shall be equipped with a radio-operated receiver/controller capable of receiving signals from a police department, fire department, utility and emergency medical services' radio transceivers, that allow emergency responders and other necessary on-duty employees to open the security gate or barrier by use of the equipment.
- (2) All security gates or barriers must meet policies deemed necessary by the City of Oak Hill, for rapid, reliable, and mutual aid access.
- (3) The equipment shall be furnished, installed, and maintained by the developer, owner, or any duly incorporated and active association having jurisdiction. (2011 Code, § 12-203)

Deleted: serving the gated community

Deleted: over the gated community

Sec. 12-204. Maintenance and upkeep of security gates or barriers.

- (1) The maintenance and upkeep of any security gate or barrier shall be the sole responsibility of the developer, owner, or any duly incorporated and active association having jurisdiction over a gated facility or community.
- (2) Inoperative security gates or barriers shall be repaired immediately. Inoperative gates shall be locked in the open position until repairs are made. Abandoned gates shall be permanently locked in open position. (2011 Code, § 12-204)

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Sec. 14-103. Statement of policy.

The following policies related to the long-range development of the city are adopted as guides for the direction of this ordinance:

- (a) The City of Oak Hill shall be a residential community;
- (b) Development within the city should occur at low to very low densities in order to preserve an open character, protect tree cover, and protect the natural scenic beauty of the city;
- (c) Steep areas with slopes in excess of 15 percent should be protected by prohibiting the removal of native vegetation and carefully locating houses and streets;
- (d) Flood-prone areas should be left as open space in order to reduce damages to property and threats to life; and
- (e) The area surrounding the Radnor Lake State Natural Area should be given special protection due to the unique character of the natural area and the potential of land development having an adverse impact on the area.

(f) In addition to any notice, publication or posting requirements currently required by law, the citizens of Oak Hill shall receive advance notice of all proposed changes to the existing Zoning Ordinance. Advance notice will be sent via U.S. Mail to all households. The notice shall be mailed at such time and in such manner that delivery should be expected, in the normal course, at least 15 calendar days, but not more than 30 calendar days, prior to the Board of Commissioners meeting when said ordinance will be scheduled for a first reading. The notice shall also be posted on the City's official website, along with a copy of the proposed ordinance.

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

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Planning commission and board of zoning appeals monthly cases: In addition 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. In addition, at least seven days in advance of said meeting, a sign will be posted at each property that has an application pending with the planning commission or the board of zoning appeals. (Ord. No. 12-16, Jan. 2013)

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(Ord. No. O-21-04-01-10, 4-27-2021)

Sec. 14-113. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, all terms shall be used as commonly defined, except where they either are specifically defined or used in a context that clearly indicates a different meaning.

Access. A private driveway or other point of vehicle access, that intersects or connects to a public street.

Accessory use. A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

Accessory structure. A structure that is subordinate in use and square footage to a principal structure or permitted use.

Basement. The portion of a residence or structure that is more than 50 percent underground, and at least 48 inches below finished grade on the front side of the structure and the sides of a structure (facing the side setbacks of the property) Usable, conditioned floor space of basements, meeting this criteria, are not included in the gross floor area calculations.

Building. A structure with a roof, intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

Building envelope. The area of a lot in which building(s) may be located taking into account applicable setbacks and minimum yard requirements.

Building line. A line parallel to the right-of-way line at the point of the front yard setback or building facade, whichever is greater.

Building permit. A written permit required by this ordinance prior to commencement of certain types of construction.

Bulk. Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines, and, therefore, includes:

- (1) The size (including height and floor area) of other structures;
- (2) The area of the zoning lot upon which a residential building is located, and the number of dwellings within such buildings in relation to the area of the zoning lot;
- (3) The location of exterior walls of buildings or structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures; and
- (4) All open areas relating to buildings or other structures and their relationship thereto.

Certificate of occupancy. The final permit or authorization issued by the city allowing occupancy or use of a building, and certifying that the building has been constructed in accordance with all applicable requirements.

Church. A building or buildings where people regularly congregate to participate in or hold religious services, meetings or other similar activities.

Commercial use. Any nonresidential use of land engaged in commerce or commercial activity such as wholesale or retail trade or the provision of services.

Conditional use. A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. For the purposes of this ordinance, conditional uses shall be construed as synonymous with special exceptions as authorized by Tennessee Code Annotated, § 13-7-206.

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Construction. The placing of construction materials in their permanent position, fastened in a permanent manner; actual work in excavation, grading or any land disturbance, or the demolition or removal of an existing structure begun preparatory to rebuilding.

District. One or more sections or areas of the City of Oak Hill, for which the regulation governing the height, area, use of buildings and premises, are the same.

Dwelling. A structure designed and used primarily for residential human habitation. For the purpose of this chapter, the word "dwelling" shall not include a travel trailer, hotel, motel, dormitory or extended stay hotel.

Dwelling, one-family. A residential structure dwelling other than a mobile home, located on a single lot, for occupancy by one family or single housekeeping unit and constructed with no connection by a common wall. The terms, "one-family dwelling," "single-family dwelling," "one-family residence," and "single-family residence," as used in this ordinance shall be synonymous. A mobile home shall qualify as a one-family dwelling only to the extent as this ordinance is pre-empted by state law.

Driveway. Area designated and constructed for vehicular ingress and egress on property and to public street.

Facade. The exterior wall on the front, side, or rear elevation of the building.

Family. One or more persons occupying a premises and living as a single, nonprofit, housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, rooming house, hotel, or other structures designed for transient residence.

- (1) A dwelling will be considered a single-family residence only if its permanent occupants are limited to one of the following categories:
 - (i) One individual.
 - (ii) Any number of persons related by blood, marriage, adoption or foster care.
 - (iii) A group of persons consisting of an individual or any number of persons related by blood, marriage, adoption or foster care, such occupant(s) being referred to as the primary occupant(s) for the purposes of this section; plus no more than one person who is not related to the primary occupant(s); all of whom occupy the dwelling and function as a single housekeeping unit with common kitchen facilities. Providing unrestricted access to the entire dwelling to all occupants; sharing food and other necessities; and sharing household expenses and responsibilities are indications that a group of persons is living as a single housekeeping unit. For purposes of this section, at least one of the primary occupants of a residence must have evidence of a legal right to occupy the property, such as being named on a deed or lease to the property.

Not more than eight unrelated persons with disabilities (as defined by state law and as determined by any duly authorized entity, including governmental agencies or licensed medical practitioners) pursuant to the requirements of Tennessee Code Annotated, § 13-24-102. Such a residence may also be occupied by three additional persons acting as house parents or guardians, who need not be related to each other or to any of the other persons residing in the home. Notwithstanding the foregoing, a group home operated as a for-profit commercial enterprise shall not be a permitted use within a residential zoning district. As used in this section, "persons having mental illness" does not include: Persons who have a mental illness and, because of such mental illness, pose a likelihood of serious harm as defined in Tennessee Code Annotated, § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness.
- (2) A person shall be considered to be a permanent occupant of a dwelling for purposes of this section if such person:
 - (i) Occupies a dwelling for more than 21 days within any 12-month period;

- (ii) Registers to vote using the address of a dwelling;
 - (iii) Receives mail at a dwelling;
 - (iv) Registers a vehicle or applies for a driver's license using the address of the dwelling; or
 - (v) Is registered to attend school, using the address of the dwelling.
- (3) In addition to the foregoing, the following are not considered to be single-family residences:
- (i) Boarding houses.
 - (ii) Apartment houses.
 - (iii) Dwellings in which one or more rooms are rented to unrelated tenants.
 - (iv) Dwellings in which separate portions are designated for or used as separate housekeeping units.
 - (v) Structures or portions of structures which are designed or constructed for any of the above purposes; and such structures and uses of structures are explicitly prohibited in each residential zoning district unless otherwise specifically permitted. Notwithstanding the foregoing, single-family residence may include a dwelling which includes separate quarters for persons who are related by blood, marriage or adoption to the primary occupants, provided such quarters are connected by interior passageways to the other portions of the dwelling, and are not rented to any unrelated tenants or otherwise used in violation of this chapter. Only one water meter (excluding a separate irrigation meter), one gas meter, and one electric meter are allowed per lot.

Floor. The horizontal surface on an enclosed area of a building or structure, not including basements, as measured to the ceiling.

Floor area ratio (FAR). The total gross floor area divided by the total square footage of the lot.

Flat roof. Roofs with a slope of less than 3:12.

Garage. A structure, building, outbuilding, accessory structure or portion of a residential structure for the purpose of parking or storage of vehicles, which may or may not be conditioned.

Gross floor area. The total of the horizontal area of all floors within a building or structure that is under roof or conditioned and used for habitation. Specifically excluded from the gross floor area are accessory buildings, pool houses, basements, patios (no roof), open air balconies, open air decks (no roof), half stories, and attic spaces.

Half story. A horizontal level of a building, used for habitation or activity, as defined by the building code, which has a ceiling or roof above that has a ceiling height of not less than eight feet tall or 50 percent or less of the floor area. Habitable or usable floor area of a "half story" is based on areas of ceiling heights of five feet or greater. Half stories are not included in the gross floor area.

Height (of building). The vertical distance from the average elevation of the finished grade along the front (facing the front setbacks) of the building to the highest point of the roof. Excluded shall be chimneys, cupolas, decorative spires (not to exceed three feet in height), lightning rods, and antennas.

Height zones>

- (1) *Height zone 1.* A percentage of the lot width as measured at the front setback line from side property line to side property line. See bulk standards for maximum height of portions of a building within height zone 1. Portions of a building within height zone 1 may have a second floor as a half story.

Zone B: 15 percent of the lot width each side.

Zone C: 20 percent of the lot width each side.

Deleted: 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.

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Zone D: 22 percent of the lot width each side.

- (2) *Height zone 2.* The remaining portion of the building envelope as illustrated below. See bulk standards for the maximum height of portions of a building within height zone 2.
- (3) *Height zone 3.* Thirty percent from the midpoint of the front property line to the midpoint of the rear property line. Height zone 3 is applied along the rear property line. See bulk standards for maximum height of portions of a building within height zone 3. Portions of a building within height zone 3 may have a second floor as a half story.

Home occupation. A business, profession, occupation, or trade that is conducted within a dwelling for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use.

Impervious surface. Buildings, parking areas, driveways, streets, sidewalks, structures, areas of concrete, asphalt, gravel, or other compacted aggregate, and areas covered by the outdoor storage of goods or materials that do not absorb water.

Incidental. Being secondary, accessory, subordinate or ancillary. Incidental alterations:

- (1) Changes or replacements in the nonstructural parts of a building or other structure without limitations to the following examples:
 - (i) Alteration of interior partitions in a nonconforming residential building, provided that no additional dwellings are created;
 - (ii) Alterations of interior non-load bearing partitions in all other types of buildings or other structures;
 - (iii) Replacement of, or minor changes in capacity of, utility pipes, ducts, or conduits; or
- (2) Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:
 - (i) Making windows or doors in exterior walls;
 - (ii) Replacement of buildings facades having non-load bearing capacity;
 - (iii) Strengthening the floor load-bearing capacity, in not more than ten percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

Landscaping. The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

Lighting, private. Exterior lights and lighting fixtures intended to illuminate private on-site parking areas, access drives, and other on-site areas.

Lot. A piece or parcel of land occupied, or to be occupied, by one principal building and its accessory buildings, and including the open spaces required in this ordinance.

- (1) *Front lot line.* The front lot line is the parcel boundary abutting the public right-of-way.
- (2) *Rear lot line.* The lot line opposite and the most distant from the front lot line.
- (3) *Side lot line.* Any lot line not a front line or rear lot line shall be termed a side lot line.

Lot coverage. The gross area of a lot covered by any impervious surface, including the square footage of the area of land occupied by the ground floor of any building, or other structure including driveways and swimming pools.

Lot frontage. The front of a lot shall be construed to be the portion nearest the public right-of-way extending from the front lot line. For the purposes of determining yard requirements on corner lots and through lots, all lines of a lot abutting a public right-of-way shall be considered frontage (or front lot lines).

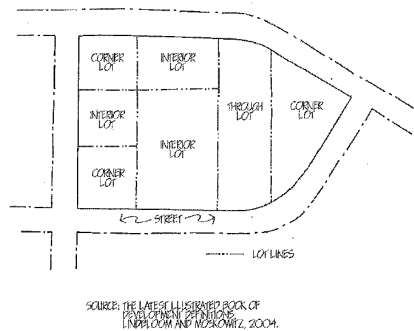
Lot of record. A lot or tract of land, described by deed and/or subdivision plat, filed in the register's office, Davidson County, Tennessee.

Lot of record, nonconforming. (see "Nonconforming lot").

Lot types. The diagram (Figure 1) which follows illustrates terminology used in this ordinance with reference to corner lots, interior lots, and through lots:

- (1) **Corner lot.** A lot located at the intersection of two or more streets (public or private) or on two parts of the same street forming an interior angle of less 135 degrees.
- (2) **Interior lot,** defined as a lot other than a corner lot with only one frontage on a right-of-way.
- (3) **Through lot,** defined as a lot other than a corner lot with frontage on more than one right-of-way. Through lots abutting two rights-of-way may be referred to as double frontage lots.

Figure 1. Lot Examples



Manufactured home. A factory-built, single family structure that meets the Federal Manufactured Home Construction and Safety Standards. This type of structure is also referred to as a modular home and is fixed in place and not considered mobile.

Mobile home. A manufactured residential structure that is built on a chassis designed to be used as a dwelling with or without a permanent foundation.

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.

Nonconforming lot. A lot of record legally established before the 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.

Nonconforming structure. A structure or portion thereof (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.

Deleted: 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.

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~~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 on or more provisions of this ordinance.~~

Deleted: *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. ¶

Outdoor storage. The keeping in an unroofed area of any goods, junk, material, merchandise in the same place for more than 24 hours.

Pool house (cabana or bath house). A free standing accessory structure subject to the requirements of section 14-132, built in connection to a swimming pool, which may not be used for occupancy as living quarters, but may contain bathrooms and dressing rooms. Square footage, height, and lot coverage of pool houses are subject to the bulk standards restrictions, however are not included in the gross floor area calculations.

Private swimming pool. Any pool, hot tub, spa or receptacle of water intended for swimming, wading, or recreational bathing.

Public building or facility. Any building, structure, property or other facility that is owned, leased or otherwise used by a governmental body or public entity.

Public utility or facility. Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures related to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

Recreation equipment. See definition of structure types below.

Recreation facilities, private. A facility designed for the conduct of sports and leisure-time activities for the use of the household and guests, and located on a lot as an accessory use to a residence.

Recreational vehicles. Any building, structure, or vehicle designed and used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers, and camping trailers not meeting the specifications required for a manufactured home or mobile home.

School. A public, parochial, private, charitable, or nonprofit facility providing primary and/or secondary educational instruction which may include recreational uses and other incidental facilities for students, teachers and employees.

Setback line. A line running parallel to the right-of-way or property lines which establish the minimum distance the principal building must be setback from the right-of-way or property line.

Story. A horizontal level of a building, used for habitation or activity, which has a ceiling or roof above. Height of a story varies but cannot be less than eight feet in height.

Street. A public or approved private right-of-way, other than an alley, used for vehicular traffic and providing access to abutting properties.

Structure. Anything constructed or erected requiring more or less permanent location on the ground or attachment to something having permanent location on the ground, excluding wheels. Any new structure requires a building permit.

Subordinate. Being secondary, ancillary, accessory or derivative.

Temporary structure. A structure erected without any foundation or footings and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

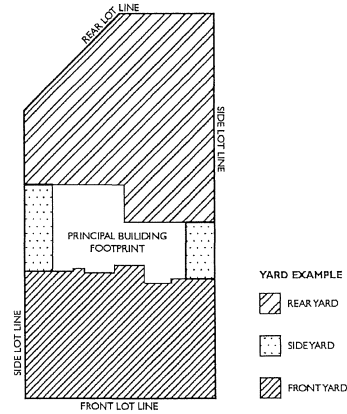
Temporary use. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Use. The performance of a function or operation which constitutes the use of land or a structure.

Use and occupancy permit. See certificate of occupancy.

Yard. Open space on a lot which is unoccupied and unobstructed from the ground upward except as permitted in this ordinance.

Figure 2. Yard Example



Yard, front. The yard from the front lot line to the front facade of the principal structure, across the entire width of the lot. The front yard shall include the yard between the closest point on the front of the principal structure and the nearest side lot line and the front lot line. See Figure 2.

Yard, rear. The yard from the rear of the lot to the rear facade of the principal structure, across the entire width of the lot. The rear yard shall include the yard between the closest point on the rear of the principal structure and the nearest side lot line and the rear lot line. See Figure 2.

Yard, side. The yard on one or more sides of a principal structure extending from the principal structure to the side property line. See Figure 2.

Figure 3. Corner Yard Examples



CORNER LOT YARD EXAMPLE




-  REAR YARD
-  SIDE YARD
-  FRONT YARD

Figure 4. Corner Lot Building Envelope and Setbacks

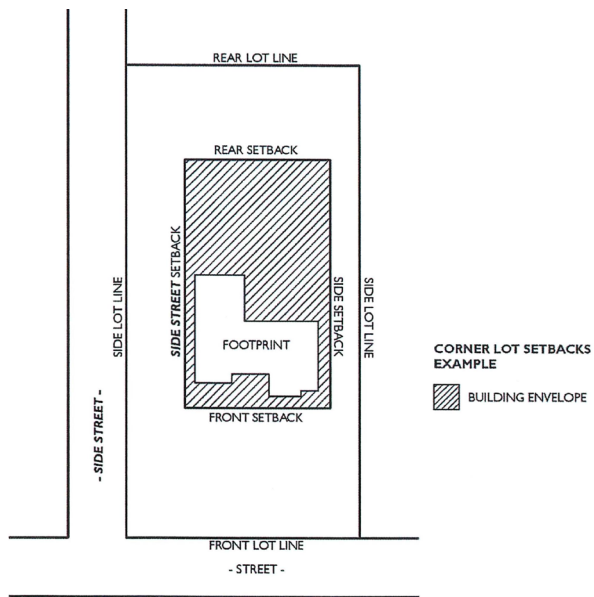


Figure 5. Building Envelope and Setback Examples

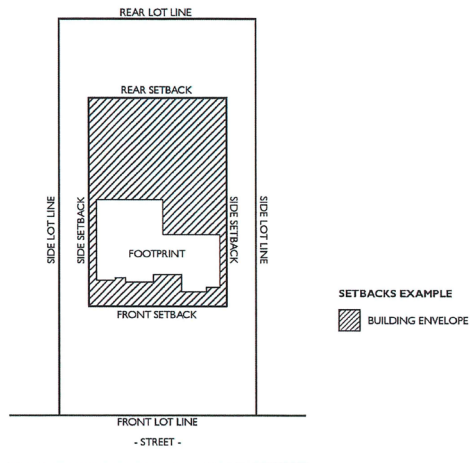
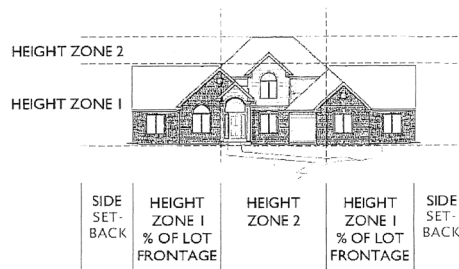
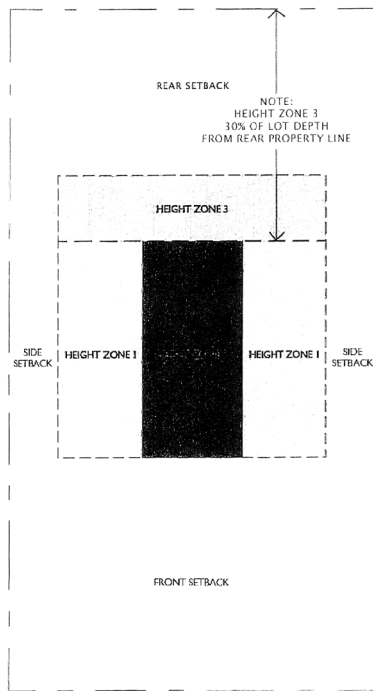
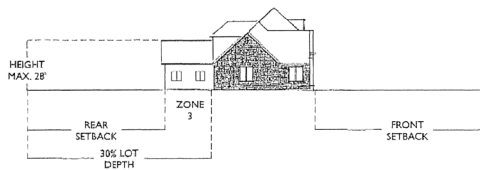


Figure 6. Height Zone Examples



Height Zones 1 & 2 Example



Height Zone 3 Example

Sec. 14-121. Bulk, yard, and density regulations.

The regulations appearing below apply to lots and buildings or other structures located on any lot or portion of a lot including all new development, enlargements, extensions, or conversions. Existing buildings or other structures which do not comply with one or more of the applicable bulk regulations are classified as nonconforming and are subject to the provisions of regulations governing nonconforming uses, buildings or structures and lots.

- (a) *Minimum lot area.* Within all residential districts, the minimum size lot and width of lot used for residential purposes shall be as established in Table II.
- (b) *Maximum lot coverage.* Within all residential districts, the maximum lot coverage by all buildings and impervious surfaces shall not exceed the greater of the percentage of lot area or square footage as established in Table II.
- (c) *Maximum permitted height.* No building shall exceed the height requirements as determined in Table II.
- (d) *Density regulations.* The maximum residential density permitted on any zone lot shall be controlled by the lot area per dwelling as established in Table II.
- (e) *Yard requirements.* Within all residential districts, the minimum yard requirements established in Table II shall apply.
- (f) *Minimum front yard setback.* The front yard setback shall be determined by the average setbacks of four lots, which are most adjacent with like-facing homes thereon. If such average is not capable of being determined due to lack of development on adjacent lots or is otherwise impractical due to site conditions affecting adjacent lots, then the minimum front yard setback is as set forth in Table II.
- (g) *Lot depth and lot width requirements.* The minimum front lot line and the lot width to depth ratio are listed in Table II of the code. The minimum lot frontage requirements vary between 50 feet and 225 based upon the minimum lot sizes. The intent of these minimums is to complement the lot width to depth ratios. For example, a lot with a minimum area of 10,000 square feet would have a minimum lot frontage of 50 feet, and thereby have a maximum depth 200 feet to achieve the minimum lot area based upon the 4:1 depth to width ratio.
- (h) *Lot area.* "Lot area" means the horizontal area included within the boundary lines of a lot, typically stated in terms of acreage or square feet.
- (i) *Street frontage.* The minimum street frontage as set forth in Table II, except for cul-de-sac streets which shall have not less than 40.
- (j) *Minimum rear yard setback.* The minimum rear setback is as set forth in Table II.
- (k) *Minimum side yard setback: Interior Lot Line.* The minimum side setback from a property line of an adjoining lot is, as set forth in Table II.

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Deleted: (l) *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. ¶

TABLE I. PERMITTED AND PERMISSIBLE CONDITIONAL USES

Uses	Residential Districts					
	A	B	C	D	E	F

Single-family dwelling	P	P	P	P	P	P
Public parks and playgrounds	C	C	C	C	C	C
Churches	N	N	C	C	C	C
Public and private schools	N	N	C	C	C	C
Temporary buildings and uses	C	C	C	C	C	C
Public buildings and utilities	C	C	C	C	C	C
Non-profit historic buildings	N	N	C	C	C	C

Key	
P	Permitted as of right
-	
C -	Permitted by conditional use permit subject to the standards of Article 6
N -	Not permitted

TABLE II. LOT, YARD, BULK, AND DENSITY REQUIREMENTS

Requirements	A	B	C	D	E	F
Minimum lot area	10,000 SF	20,000 SF	1 Acre	2 Acre	3 Acre	4 Acre
Minimum front lot line ¹	50 feet	50 feet	100 feet	150 feet	175 feet	225 feet
Maximum lot depth lot width ratio ²	4:1	4:1	4:1	4:1	4:1	4:1
Maximum lot coverage						
For lots less than the minimum lot area	4,000 sf	7,000 sf	13,000 sf	13,000 sf up to 25%	15,000 sf up to 20%	15,000 sf up to 20%
For lots greater than the minimum lot area	40% up to 6,000 sf	36% up to 9,000 sf	30% up to 18,000 sf	25% up to 25,000 sf	20% up to 35,000 sf	20% up to 37,000 sf
Maximum gross floor area ratio (FAR) FAR = gross floor area/lot area	24% with a maximum of 3,600 sf	32% with a maximum of 7,000 sf	18% with a maximum of 10,000 sf	18% with a maximum of 18,000 sf	14% with a maximum of 18,000 sf	14% with a maximum of 18,000 sf
Minimum yard requirements for primary structure						
Front setback ³	60 feet	60 feet	75 feet	75 feet	100 feet	150 feet
Side setback: Interior lot line	10 feet	10 feet or 15% of front lot width, whichever is greater. Up to 15 feet	15 feet side yard or 20% of lot width, whichever is greater. Up to 30 feet	20 feet side yard or 22% of lot width, whichever is greater. Up to 35 feet	40 feet	50 feet
Side setback: Side street	30 feet	40 feet	40 feet	40 feet	40 feet	50 feet
Rear setback	50 feet	40 feet	60 feet	70 feet	100 feet	100 feet
Maximum primary structure height—Overall						
Maximum stories	2 floors. Second floor shall be a half story.	2 floors	2 floors	2 floors	3 floors. Third floor shall be a half story.	3 floors. Third floor shall be a half story.
Maximum height ⁴	28 feet	Varies	Varies	Varies	42 Feet	42 Feet
Height zone 1 height maximum	Not applicable	28 Feet	28 Feet	28 Feet	Not applicable	Not applicable
Height zone 2 height maximum	Not applicable	32 Feet	36 Feet	40 Feet	Not Applicable	Not applicable
Height zone 3 height maximum ⁵	Not applicable	28 Feet	28 Feet	Not applicable	Not applicable	Not applicable
Minimum yard requirements for accessory structures, pool houses, pools, and pool decks:						

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Front setback	Behind the primary structure	Behind the primary structure	Behind the primary structure	Behind the primary structure	Behind the primary structure	Behind the primary structure
Side setback	10 feet	15 feet	15 feet	25 feet	25 feet	30 feet
Side setback: Side street	30 feet	40 feet	40 feet	40 feet	40 feet	50 feet
Rear setback	20 feet	20 feet	30 feet	40 feet	50 feet	50 feet
Pool house	Maximum footprint of 25% of the primary Structure	Maximum footprint of 25% of the primary Structure	Maximum footprint of 25% of the primary structure	Maximum footprint of 25% of the primary structure	Maximum footprint of 25% of the primary structure	Maximum footprint of 25% of the primary structure
Maximum height	25 feet & 1 floor	25 feet & 1 floor	25 feet & 1 floor	25 feet & 1 floor	25 feet & 1 floor	25 feet & 1 floor

Additional Regulations:

¹ Lots on cul-de-sacs are exempt from this provision; but must have a minimum front lot line of at least 40 feet measured along the curve at the edge of the right-of-way.

² Lot width is measured at the narrowest point of the respective lot and lot depth is measured at the deepest point of the lot.

³ Whichever is greater from this table or § 14-121(f)

⁴ Flat roof structures are permitted to be a maximum of one floor and 18 feet in accessory structures, Zone A, and in Height Zone 1 and 3, and a maximum of 2 floors in Height Zone 2, Zone E, and Zone F.

⁵ Height Zone 3 is not applicable to lots with lot depths less than 200 feet.

(Ord. No. 12-16, Jan. 2013, as amended by Ord. No. O-17-08-01-90, Feb. 2017, and Ord. No. O-18-02-02-90, Feb. 2018; Ord. No. O-21-01-10-30, § 2, 1-25-22)

Supplementary District Regulations

The regulations herein are supplemental to the district regulations

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

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:

(a) In any yard:

- Arbors and trellises.
- Awnings or canopies projecting from a building wall may encroach over a building setback line not more than six feet and having no supports other than provided by the wall or its integral parts.
- Basketball goals or other similar recreational structures.
- Chimneys projecting from a building wall may encroach not more than three feet over a building setback line.
- Eaves, gutters, or downspouts projecting from a building wall may encroach over a building setback line not more than 24 inches.
- Fire escape or staircases projecting from a building wall, the riser of which shall be at least 50 percent open and whose vertical projection downward may encroach over a building setback line not more than three feet.
- Fountains.
- Mail boxes; may be provided at the front lot line.
- Open terraces, including natural plant landscaping.
- Retaining walls (no minimum setback requirement).
- Sculpture or other similar objects of art.
- Street furniture such as, but not limited to, benches, drinking fountains, light standards, and directional signs.
- 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 shingles must be installed on a roof and per manufacturer's instructions.

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- (b) The following structures are permissible in any rear yard only:
- Clothes poles or clotheslines, as long as visual screening is provided to adjacent properties.
 - Storage buildings, gazebos and/ or tree houses.
 - Parking areas subject to the requirement of section 14-136. (Ord. No. 12-16, Jan. 2013)

Sec. 14-132. Accessory uses and structures.

It is the intent of this section that all accessory buildings shall be unobtrusive, should not compete visually with the principal structure; and should not detract from the character of the surrounding neighborhood. It is further the intent of this section that accessory buildings should remain subordinate, in terms of mass, size and height, to the principal structure. Any accessory building or structure not specifically listed herein shall be prohibited.

(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.

(b) *Permissible accessory structures.*

(1) A private stable for the care and housing of horses and/or ponies. The stable shall be located within the accessory structure envelope and the rear yard. All stables shall not be greater than 25 feet in height or 900 square feet. The design of the stable shall utilize the same architectural style as the principal structure.

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

(3) A pool house, cabana or bath house ("pool house") to be used incidental to a swimming pool, tennis or sport court; provided, that the pool or sport court shall be completed prior to or constructed simultaneously with the pool house. A pool house may include bathrooms and dressing rooms, but shall not include a kitchen or cooking facilities. A pool house may also contain a wet bar, including an under-counter refrigerator and under-counter ice maker. A pool house shall not be used as a permanent or temporary sleeping quarters, a guest house or dwelling. 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 in height. 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.

(4) Small accessory buildings for the storage of small garden and household tools, lawn mowers, and other similar equipment ("storage buildings"). Storage buildings shall be one (1) story and no greater than 14 feet in height, nor larger than 200 square feet. Only one storage building may be located on a lot. Storage buildings shall be located in the rear yard and a minimum of ten feet from any lot line.

(5) Recreation facilities consisting of tennis courts, basketball courts, and similar play apparatus but not including tree houses, or playhouses exceeding 25 square feet, swimming pools or sheds utilized for storage of equipment. These facilities shall be located within the accessory structure

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Deleted: 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. 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. Not more than one commercial vehicle may be parked on any residential lot. The commercial vehicle shall be parked in a garage or at all times.

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envelope and the rear yard. Any pole lighting installed for these facilities shall comply with the dark sky requirements in section 14-141.

- (6) Gazebos consisting of a detached, covered, freestanding, open-air structure having a maximum height of 14 feet and a maximum area of 600 square feet designed for recreational use and not for storage or habitation. Gazebos shall be located in the rear yard and a minimum of ten feet from any lot line.
- (7) Patios consisting of a level surfaced area directly adjacent to a principal building at or within three feet of the finished grade with one or more open sides whose principal use shall be for indoor-outdoor recreation. Patios shall be located within the accessory structure envelope and in the rear yard.
- (8) Tree houses, playhouses, dog houses consisting of a freestanding structure, shall have a maximum height of twelve feet (12') and an area not to exceed 120 square feet. These structures shall be located in the rear yard and a minimum of ten feet from any lot line.
- (9) Guard houses located on a private road or entrance to a residential property for the purpose of manually or electronically regulating and monitoring pedestrian and/or vehicular traffic. The guard house may encroach over the front building setback line but shall be at least 40' from the public right-of-way or private access easement and shall include a turnaround for vehicles with a minimum radius of 20. The structure shall not exceed 75 square feet and shall be designed with the same architectural style and material as the principal structure.
- (10) A detached garage for vehicular parking shall not be used as a permanent or temporary sleeping quarters, a guest house or dwelling. A detached garage shall not include a kitchen, cooking or bathing facilities. 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 14-132(a). All vehicles shall enter said structure from either the rear yard or side yard in districts D, E, and F. All detached garages shall be located within the accessory structure envelope and the rear yard. The design of the detached garage shall utilize the same architectural style and material as the principal structure. A detached garage shall mean a garage that is not attached to the primary structure or is attached to the primary structure by anything other than finished living space. (Ord. No. 12-16, Jan. 2013)

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Sec. 14-133. Requirements for private swimming pools.

It shall be unlawful to construct or establish a private swimming pool within the City of Oak Hill as defined without having obtained a permit in the manner prescribed in this ordinance. Any swimming pool to be constructed or substantially altered after January 1, 2011 shall be required to install a pool surface alarm and otherwise comply with Tennessee Code Annotated, § 68-14-801 et seq.

- (a) *Permits.* Application for the construction of a private swimming pool shall be made to the city manager, or designee, by the owner of the property or by the contractor who will construct said swimming pool. Application shall be accompanied by a set of plans, specifications and site plans of the property. The site plans shall show the accurate location of the proposed swimming pool and discharge system on the property, together with any proposed bathhouses, cabanas or other facilities, and shall also show the location, height and type of all existing fences or walls on the property, together with the type and height of such fencing or enclosures as may be required by this ordinance to prevent, within reason, any person from gaining access beneath or through said fence when the pool is unguarded or unattended.

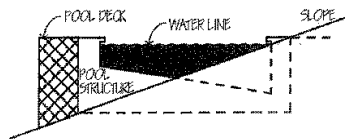
A fee shall be paid to the City of Oak Hill for such pool permit, which fee shall be exclusive of the permit fee required for erection of any accessory structure to be used in connection with such swimming pool.

No permit for a private swimming pool shall be issued by the city manager, or designee, until the plans, specifications and site plan have been approved by the City of Oak Hill.

Any fees prescribed by this section shall be determined, from time to time, by resolution of the board of commissioners.

- (b) *Construction and maintenance.* All material used in the construction of pools as herein defined shall be waterproofed and easily cleaned, and shall be such that the pool may be maintained and operated so as to be clean and sanitary at all times. The pool structure, i.e. structure holding the water, shall be constructed from permanent materials such as concrete, granite or fiberglass.

All private swimming pools having a depth of more than 30 inches shall be constructed below the level of the surrounding land; Provided that this requirement shall not apply to a hot tub or spa, designed, installed and used above ground level. For properties with slopes of ten percent or greater, a portion of the pool enclosure (or structure), no greater than 50 percent, may be built above the ground of the surrounding land (or slope line) as illustrated below. The pool deck is not considered part of the pool enclosure for this calculation.



The owners shall be responsible for maintaining said pool in such condition as to prevent breaks in the pool or water from the pool overflowing into adjacent public or private property.

- (c) *Water supply.* There shall be no physical connection between a potable public or private water supply system and such pools at a point below maximum waterline of the pool or to a re-circulating or heating system of said pool.
- (d) *Discharge system.* All pools hereafter constructed shall be provided with one drainage outlet not to exceed three inches in diameter extending from the pool to either a brook, storm sewer, lawn-sprinkling system on the premises on which the pool is located, or to an adequate drainage area approved by the city manager, or designee, and the discharge of water from such pools shall be permitted only following approval by the proper state, county or city officials as each case requires. The city manager or designee shall inspect the premises on which such pool is proposed to be constructed in order to determine the proper place and type of connection for discharge of the water there from. Approval shall not be given to discharge water at the curb or upon the surface of any street, or onto or across adjacent property unless the owner of the property affected shall give written consent for this to be done and shall agree to waive any claim against the city and the property owners involved for damage to property resulting there from.
- (e) *Disinfection.* All private swimming pools shall be treated with chlorine (or other generally appropriate chemicals) in sufficient quantity so that there will be present in the water at all times when the pool is in use a residual of excess chlorine of not less than two hundredth (0.20) parts per million of available free chlorine.
- (f) *Bacteriological standards.* Not more than 20 percent of the samples of water taken from any private swimming pool, when more than 20 samples have been examined, and not more than three samples, when less than 20 samples have been examined, shall contain more than 200 bacteria per cubic centimeter or shall show positive tests (confirmed) for chloroform in any of five to ten cubic-

centimeter portions of water at times when the pool is for use. For the purpose of this section, any number of samplings of water on a single day shall be considered as one sample. The city manager, or designee, may make arrangements with the Davidson County Health Department to take and analyze water samples for the City of Oak Hill.

- (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.
- (h) *Location.* Private swimming pools shall be located in compliance with Section 14-121.
- (i) *Fencing.* All private residential swimming pools shall be completely enclosed by a fence, wall, building, or combination thereof, provided that all such barriers shall be not less than four feet in height. All gates allowing access to the pool area from the exterior of the building shall be self-latching and all such latches shall be a minimum of four feet above ground level. Gates leading directly to the area must be kept closed at all times unless premise occupants are in the vicinity of the area and can observe entry to the area through open gates. Barriers, including gates, shall be maintained in good repair at all times. All fencing shall meet the requirements of the current building code.
- (j) *Lighting.* No artificial lighting shall be maintained or operated in connection with private swimming pools in such a manner as to be a nuisance or an annoyance to neighboring properties. All lighting shall comply with section 14-141 lighting - dark sky regulations. No overhead current-carrying electrical conductors shall be within 15 feet horizontally of a pool. All metal fences, enclosures or railings near or adjacent to private swimming pools, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause shall be effectively grounded.
- (k) *Operation and maintenance.* All private swimming pools shall be maintained in a clean and sanitary condition and all equipment shall be maintained in a satisfactory operating condition during periods the pool is in use. No private swimming pool shall be used, kept, maintained or operated in the city if such use, keeping, maintaining or operating shall be the occasion of any nuisance or shall be dangerous to life or detrimental to health.
- (l) *Enforcement.* Every private swimming pool as defined herein constructed or to be constructed in the City of Oak Hill shall at all times comply with the requirements of the Davidson County Board of Health. Any nuisance or hazard to health which may exist or develop in, or in consequence of, or in connection with, any such swimming pools shall be abated and removed by the owner, lessee, or occupant of the premises on which the pool is located within ten days of receipt of notice from the Davidson County Board of Health or from the city manager, or designee, of Oak Hill.
- (m) *Penalties and injunctive relief.* In addition to any applicable penalty provisions under state law or local ordinance, the city shall have the right to enjoin the existence or operation of any swimming pool not constructed or operated in accordance with the provisions of this ordinance. (Ord. No. 12-16, Jan. 2013)

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Deleted: . 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.

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

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

These shall be minimum requirements:

Residential uses -	Two (2) spaces per dwelling
Churches -	One space for each three seats in the main assembly hall
Parks and playgrounds -	Ten spaces for each acre of land devoted to recreation, plus one space for each four spectator seats.
Schools -	

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Grades 1—7 -	One space for each four students, teachers, and employees, or one space for each five seats in an auditorium, whichever is greater.
Grades 8—12 -	One space for each four students, teachers, and employees, or one space for each four seats in the auditorium or sports stadium, whichever is greater.

~~(b) Total vehicle storage space may be provided for four (4) motor vehicles on any lot in Districts A, B, and C, and up to eight (8) motor vehicles on any lot in Districts D, E, and F.~~

~~(c) 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.~~

(d) 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-site parking to comply with the requirements herein provided a written agreement between both parties is provided. (Ord. No. 12-16, Jan. 2013)

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Sec. 14-137. Illicit discharges.

- (a) *Scope.* This section shall apply to all water generated on developed or undeveloped land entering Oak Hill's municipal separate storm sewer system.
- (b) *Prohibition of illicit discharges.* No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. No person shall allow discharges that flow from a stormwater facility that is not inspected in accordance with Tennessee General Permit Stormwater Discharges from Construction Activities section 3.5.8.2. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:
- (1) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water sources.
 - (ii) Landscape irrigation or lawn watering with potable water.
 - (iii) Properly authorized diverted stream flows.
 - (iv) Rising ground water.
 - (v) Groundwater infiltration to storm drains.
 - (vi) Pumped groundwater.
 - (vii) Discharges from potable water sources.
 - (viii) Air conditioning condensate.
 - (ix) Irrigation water.
 - (x) Springs.
 - (xi) Water from crawl space pumps.

- (xii) Footing drains.
- (xiii) Lawn watering.
- (xiv) Individual residential car washing.
- (xv) Natural riparian habitat or wetland flows.
- (xvi) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine).
- (xvii) Street wash water.
- (xviii) Firefighting activities.

~~(2) Discharges specified in writing by the city as being necessary to protect public health and safety.~~

(3) Dye testing is an allowable discharge if the city has so specified in writing.

(4) Discharges authorized by the Construction General Permit (CGP):

- (i) Dewatering of collected stormwater and ground water.
- (ii) Wash removal of process materials such as oil, asphalt or concrete is not authorized.
- (iii) Water used to control dust in accordance with CGP.
- (iv) Potable water sources, including waterline flushing, from which chlorine has been removed to the maximum extent practicable.
- (v) Routine external building wash down that does not use detergents or other chemicals.
- (vi) Uncontaminated groundwater or spring water.
- (vii) Foundation or footing drains where flows are not contaminated with pollutants (e.g., process materials such as solvents, heavy metals, etc.)

(c) *Prohibition of illicit connections.* The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. This prohibition expressly includes stormwater control measures connected to the system not properly inspected and maintained in accordance with this chapter.

(d) *Reduction of stormwater pollutants by the use of best management practices.* Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the maximum extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing SCMs that have not been maintained and/or inspected in accordance with this chapter shall be regarded as illicit.

(e) *Notification of spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify Oak Hill in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to Oak Hill within three (3)

Deleted: (xix) Any other uncontaminated water source. ¶

business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

- (f) *No illegal dumping allowed.* No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the city. Such illegal activity exposes runoff to contamination; generating an illicit discharge.
- (g) *Violations and penalty.* It shall be unlawful for any person to violate or fail to comply with any provision of illicit discharge regulations as herein adopted by reference and modified. Any violation of this chapter may be prosecuted in city court before the administrative hearing officer or in any other court of competent jurisdiction at the election of the city. Violations of this part shall subject the offender to penalties under the general penalty provision of this code or as otherwise authorized by law. Each day a violation is allowed to continue shall constitute a separate offense. Nothing herein shall preclude the city from taking other legal or equitable action to restrain, correct or abate a violation of this chapter. (Ord. No. O-18-03-01-80, March 2018)

Sec. 14-138. Regulations for steep slope areas.

It is a substantiated fact that areas of steep slopes, when developed into buildings and streets, present a significant threat of landslides or soil movement. This generally occurs on slopes exceeding 15 to 20 percent grades. (See: Landslides in the Nashville, Tennessee Area-Winter 1975, Robert A. Miller and John D. Wiethe, Tennessee Division of Geology, 1975) Oak Hill contains many such areas. 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 the slope is 1,000 or more square feet and having a slope of fifteen percent (15%) or greater. The applicant shall pay, as adopted by board of commissioners resolution, for review by the planning commission for steep slopes or in connection with the Radnor Lake Impact Ordinance. The following regulations shall apply:

- (a) *Site plan required.* No building permit shall be issued for construction on any area of 15 percent or greater slopes until a site plan meeting the following requirements has been approved by the planning commission. Said site plan shall show:
 - (1) The exact size, shape, and location of the lot, and the existing drainage pattern;
 - (2) The proposed location of all buildings, driveways, drainage ways, and utilities;
 - (3) Contours at vertical intervals of no more than five feet taken from aerial photography or field survey;
 - (4) The extent of natural tree cover and vegetation;
 - (5) The location of any on-site soil absorption sewage disposal systems;
 - (6) The type and location of erosion control methodology;
 - (7) The exact area where any natural vegetation is proposed to be removed;
 - (8) The size, type, and height of all buildings proposed to be constructed;
 - (9) The location and extent of colluvial soil areas as determined by soil test borings;
 - (10) The engineer's stamp that prepared the plan;
 - (11) Certification as to the stability of the structures and slope and compliance with sound construction methods for areas with steep slopes and landslide problems by a registered

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geotechnical engineer. Said engineer shall also certify such features after completion of construction prior to issuance of the certificate of occupancy;

- (12) When the planning commission determines that additional information is required, an additional soils or geotechnical engineer may be employed to be funded by the developer. The planning commission may then require additional standards for development of the lot or tract if substantiated by the facts.
- (b) *Development standards.* The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site in question. The engineer's certification required in subsection 14-138(a) above shall address these standards:
 - (1) Natural vegetation shall be preserved to the maximum extent possible. Existing vegetation on slopes 15 percent or greater shall not be removed except as approved by the planning commission. The planning commission may require replacement of removed trees up to the caliper inches removed. Any grass areas shall be sodded.
 - (2) Natural drainage ways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques.
 - (3) Development shall require a minimum of two acres of land per parcel. The planning commission may require additional acreage when justified by the soil tests and/or slope of the site and limit development to a maximum of ten percent of the lot.
 - (4) Off-road vehicles shall be prohibited from all such areas and may not be operated off streets and driveways.
 - (5) Operations that increase loads, reduce slope support, and cause instability of the slope shall be prohibited to the maximum extent possible which will permit reasonable development of the site. These include filling, irrigation systems, accessory buildings, and on-site soil absorption sewage disposal systems.
 - (6) Where sanitary sewers are not available, any on-site sewage disposal system shall be shown on the site plan and located to avoid slide prone areas. Said system shall be approved by the county health department prior to the planning commission's review taking into account these requirements.
 - (7) Erosion control measures shall be employed to prevent all soil material from leaving the site. Additionally, soil from excavation on the site shall not be deposited as fill on a potential slide area. Additionally, all aspects of the Metropolitan Nashville Storm Water Management Ordinance shall apply.
 - (8) No construction, including for roads which would cut the toe of the slope shall be permitted, except as approved as a part of a soil stabilization plan submitted by a licensed geotechnical engineer on behalf of developer. (Ord. No. 12-16, Jan. 2013)

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

The Radnor Lake State Natural Area is identified as a unique natural resource for the use and enjoyment of the citizens of Oak Hill and the larger metropolitan area and is worthy of special protection. Therefore, the Radnor Lake Natural Area Impact Zone is hereby recognized and established as a part of this ordinance. The Radnor Lake Natural Area Impact Zone ("impact zone") includes all areas determined as having a visual and/or watershed impact on the natural area and is delineated on the city zoning map. Said map is adopted by reference and available in the office of the city manager. The applicant shall pay, as adopted by board of commissioners

resolution, for review by the planning commission for the Radnor Lake Impact Ordinance or in connection with the steep slope ordinance.

- (a) *Site plan required.* No building permit shall be issued for any lot in the impact zone until a site plan meeting the following requirements has been approved by the planning commission. Said site plan shall show:
 - (1) The exact size, shape, and location of the lot, and the existing drainage pattern;
 - (2) The proposed location of all buildings, driveways, and drainage ways;
 - (3) The type and location of erosion control methodology;
 - (4) Contours at vertical intervals of no more than five feet;
 - (5) The extent of natural tree cover and vegetation;
 - (6) The location of any on-site soil absorption sewage disposal system;
 - (7) The exact area where any natural vegetation is proposed to be removed;
 - (8) The size, type, and height of all buildings proposed to be constructed.
- (b) *Development standards.* The following standards shall be used as a guide for builders, developers, property owners, and the planning commission in minimizing the impact on the natural area:
 - (1) The clearing of trees and vegetation shall be limited to the area required for driveways, turnarounds, the house site, and a reasonable area around the house for landscaping purposes for all areas within the Radnor Lake Natural Area Impact Zone. The intent here is to limit visibility from the natural area to any structure. The planning commission may require replacement of removed trees up to the caliper inches removed.
 - (2) The site for the house shall be situated so that ridgelines and down slopes to the natural area are avoided to the maximum extent possible.
 - (3) Erosion control measures shall be employed to prevent all soil material from leaving the site. Additionally, all aspects of the Metropolitan Nashville Storm Water Management Ordinance shall apply as appropriate.
 - (4) The maximum height of any building shall not extend more than 40 feet above the ground level at any point.
- (c) *Subdivision review requirements.* Any development occurring within the Radnor Lake Impact Zone which is a subdivision as defined by the Oak Hill Subdivision Regulations shall be required to observe the following provisions, which are supplemental to the other regulations:
 - (1) Road locations shall be situated so as to minimize to the maximum extent possible any visibility from the lake or trails.
 - (2) Erosion control measures shall be employed to prevent all soil materials from entering the natural or man-made drainage ways which are located within the Radnor Lake watershed. This shall be required as a part of the preliminary plat approval process, and certification as to the effectiveness of the erosion control measures shall be required of the design engineer.
 - (3) Cutting trees and removal of the natural vegetation shall be discouraged and limited to the subdivision roadways and required slopes. Individual lots shall be subject to the requirements in § 14-139(b) above. (Ord. No. 12-16, Jan. 2013)

(d) If proposed work or modification within the Radnor Lake Natural Area Impact Zone will not affect sitework, trees, vegetation, bulk 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.

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Sec. 14-144. Nonconforming structures.

Nonconforming structures may be allowed to continue and remain and be used subject to the following:

(a) Where a nonconforming structure houses a nonconforming use, the regulations for nonconforming structures and nonconforming uses shall both apply. In case of conflict, the rules for nonconforming uses shall prevail.

(b) 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.

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Deleted: 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.

Deleted: (d) 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. (Ord. No. 12-16, Jan. 2013)¶

Deleted: Expansion, alteration, or major repair.

(c) Governmental acquisition of a portion of a lot for public purpose that results in reduction in a lot size or that creates an encroachment of a setback line by an existing structure shall not render the structure nonconforming.

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Sec. 14-146. Nonconforming Lots, Nonconforming Structures, and Nonconforming Uses – Development, Repair, Construction, and Modification.

(1) 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.

(2) Nonconforming structures

a. Modifications Due to Casualty: nonconforming structures may be modified or completely demolished and rebuilt, provided the proposed change(s) meet 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;

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- 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 requirements of this code.
- b. Modifications Not Due to Casualty: nonconforming structures may be modified structurally and/or aesthetically, provided the proposed change(s) meet 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 to and are approved by the Planning Commission.
 - iv. The modification meets all other currently adopted requirements of this code.

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(3) Nonconforming uses: a nonconforming use may be modified, provided the proposed change(s) meet the following standards:

- a. The modification shall not cause the nonconformity to increase in any characteristic(s) that caused the nonconformity to be noncompliant.
- b. The modification plans are submitted and are approved by the Planning Commission.
- c. The modification meets all other adopted requirements of this code.

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Sec. 14-306. Plat approval.

The commission shall approve or disapprove a plat within 60 days after the initial consideration of the plat by the commission meeting in a regularly scheduled session, unless at the end of the 60-day period there is a holiday or an unexpected interceding event that would close municipal or county offices and thus affect the normal computation of the 60-day period, in which case the plat shall be approved or disapproved after the interrupted 60-day period at the next regularly scheduled meeting of the commission; otherwise, the plat shall be deemed approved and a certificate to that effect shall be issued by the commission on demand. The applicant for the commission's approval may waive the time requirement set in this section and consent to an extension or extensions of the applicable time period. When a plat has been filed with the appropriate officials of the planning commission, the plat shall be placed on the agenda of the planning commission within 30 days of the filing or the next regularly scheduled planning commission meeting after the 30-day period. The applicant may waive the time frame requirement for the appearance of the plat on the agenda. (Ord. No. 12-16, Jan. 2013, modified)

Sec. 14-307. Expiration of Ruling

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

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Sec. 14-901. Definitions.

As used in this part, certain terms shall have the following meanings:

Caliper is the diameter of the trunk of a tree at a height six inches above the ground for trees up to an including four inches in diameter, and at a height twelve inches above ground for trees exceeding four inches in diameter, but no greater than eight inches in diameter. This measure is used for new tree plantings.

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DBH (diameter at breast height) is the total cross-sectional diameter of the trunk(s) of a tree measured four and one-half feet from the ground at the center of the tree. For trees with less than four and one-half feet of clear trunk, diameter shall be of the largest leader measured four and one-half feet above ground level. For multi-trunk trees, it shall be the sum of the diameters of the individual trunks measured for and one-half feet above ground level. This point of measurement is used for established and mature trees.

Drip zone is the area encompassed by a line drawn directly underneath the tips of a tree's outermost branches.

Dwelling is any building that may be occupied in whole or in part as a home or residence for habitation by one or more persons, including any guest house, caretaker cottage, accessory apartment, or other accessory structures appurtenant thereto,

Protective fencing for the purposes of this chapter, shall be defined as a semi-permanent fence structure consisting of high visibility plastic mesh fencing, 48 inches high, supported by metal stakes. Fence must be regularly maintained to be taut and erect. Any substitutions of material or methods must provide equal or greater protection and require written approval of the city manager or their designee prior to installation.

Structure(s) are and include anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground. Structures include, but are not limited to, retaining walls, athletic courts, tennis courts, swimming pools, pool, houses, and stables.

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

Tree protection standards shall mean and refer collectively to provisions of this part which shall be codified as sections 14-901—14-909 of the Municipal Code of the city.

(Ord. No. 20-01-01-01, 1-26-21; Ord. No. O-21-05-01-02, 5-25-21)

Sec. 14-903. Exemptions.

The following development and construction activities and types of vegetation are exempt from the tree protection standards:

- (a) The removal of dead or naturally fallen trees or vegetation.
- (b) The removal of severely damaged or diseased trees that have been diagnosed by a certified arborist or the city manager or his designee to be beyond treatment or recovery, provided that the burden of

proof shall be on the person or entity who has removed or seeks to remove a tree pursuant to this exemption.

- (c) The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, or for the purpose of performing necessary field survey work.

- (e) Removal of trees or plants listed in the current edition of Invasive Plants, published by the Tennessee Invasive Plant Council.

Deleted: (d) The actions of public and private utility companies within their utility easements

(Ord. No. 20-01-01-01, 1-26-21)

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

- (a) *Tree inventory required.* Prior to beginning any construction, demolition, tree clearing, tree removal, tree cutting, development work, or land disturbance activity which requires a permit from the city or to which the tree protection standards otherwise apply, the applicant shall prepare and submit an inventory of all trees on the Lot having a DBH equal to or greater than three inches, subject to the following requirements:
 - (1) *Generally.* The tree inventory (1) shall be drawn to a scale of not less than 1" = 20 feet and shall include contours at vertical intervals of no more than five feet taken from aerial photography or field; (2) shall accurately depict the exact size, shape, and location of the lot; (3) shall identify all trees on the Lot and their approximate lot coverage; and (4) shall identify all trees which the applicant will retain and each tree which the applicant proposes to remove. If there is an area with numerous small trees having a DBH less than three inches, then those trees need not be separately identified so long as the perimeter of their drip zone is shown on the tree inventory.
 - (2) *Professionally prepared; aerial photography.* Tree inventories may be prepared by a licensed landscape architect, surveyor, arborist, forester, or engineer registered with the State of Tennessee. Alternatively, aerial photographs, coupled with site photography, may be substituted for the inventory if the photography provides adequate detail in the discretion of the city manager to assess compliance with this section. Said aerial photography shall be no older than the most recent aerial photography which is available through the Government of Davidson County Tennessee or is otherwise publicly available.
- (b) *Only trees necessary for proposed construction may be removed.* No tree removal permit shall issue unless it allows removal of only those trees which are necessary for the construction or land disturbance activity allowed by a building permit or other permit. The tree removal permit shall not allow removal of a tree unless it is within the envelope of the permitted construction or land disturbance. Trees may not be removed to create space for storage of building materials, topsoil, excavated rock, excavated soil, construction debris and the like. The tree removal permit shall expressly provide that it allows for removal of only those trees which have been marked for removal on the tree inventory.
- (c) *Tree retention requirements.* No tree removal permit shall issue unless (1) the applicant's tree inventory satisfies and complies with the tree retention standards of section 14-905.
- (d) *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. This preservation requirement related to existing trees with eight-inch DBH or greater may be appealed to the board of zoning appeals. Before the board of zoning appeals, the burden of proof shall be on the applicant to demonstrate that it is clearly impractical to retain the tree, as well as all other requirements for a variance. If a tree removed pursuant to such a variance, the loss of that tree shall be included in calculating the tree retention standards under section 14-905.

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- (e) *Review by city and issuance of permit.* The city manager and the city codes compliance officer shall review the tree inventory to determine if it complies with all of the tree protection standards. If the tree inventory fails to comply with any of the tree protection standards, no permit shall issue. If the tree inventory complies fully and completely with all of the tree protection standards, then the tree removal permit shall issue upon payment by the applicant of a \$100.00 fee; provided however, the tree removal permit shall comply and be consistent with all of tree protection standards and expressly require that person or entity to whom the permit issues comply strictly with the terms of the tree removal permit.
 - (f) *Strict compliance.* If a tree removal permit is issued, the applicant and any person acting for or on behalf of applicant (such as a contractor or subcontractor) shall comply strictly with the terms and conditions of the tree removal permit and all other requirements of sections 14-901—14-908. The tree removal permit shall expressly so provide.
 - (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 [\(see definition in Sec. 14-901\)](#) in section 14-138 of the Municipal Code of the city have first been satisfied.
 - (h) *Inspection for installation of protective fencing.* Section 14-907 requires that protective fencing be installed around, all trees to be retained. After that protective fencing has been installed, the person to whom the permit has issued shall, notify the city manager and the codes compliance officer. The city manager or his designee shall then, within three business days of receiving that notice, inspect the property to determine if all protective fencing has been installed as required by section 14-907. If and only if the city manager or his designee finds that, all such protective fencing has been properly installed, the city manager shall issue a written notice stating that the holder of the tree removal permit may proceed with construction. Until and unless the city manager or his designee issues that written notice, there shall be no construction, tree clearing, tree removal tree cutting, development work, grading or other land disturbance on or about the property and the tree removal permit shall expressly so provide.
 - (i) *Inspection for installation of replacement trees.* Before a certificate of occupancy is issued, the holder of the tree removal permit shall notify the city manager and the codes compliance officer that all replacement trees required by section 14-908 have been planted. The city manager or his designee shall then, within three business days of receiving that notice, inspect the property to determine if there has been compliance with section 14-908 which provides for replacement trees. If and only if the city manager or his designee determines that the requirements of section 14-908 have been satisfied, he shall issue a written notice to that effect. Until and unless that written notice is issued, no certificate of occupancy may issue for the property and the tree removal permit shall expressly so provide.

If the inspection occurs at a time of the year (e.g., summer) when it is impractical to plant replacement trees as required by section 14-908, then a certificate of occupancy may issue upon posting of a bond by the holder of the tree permit or the owner of the property. The amount of the bond the amount which, the city manager or his designee in good faith determines to be 200 percent of the cost of the replacement trees and the planting of those trees.

- (j) *Exemption from tree inventory requirement.* In the event that proposed construction or land disturbance will not disturb the earth within the drip zone of any tree or otherwise harm a tree (such as remodeling of a kitchen or replacing shingles on a roof), then a building permit may be issued and no tree inventory shall be required. However, the application for a permit allowing any such proposed construction or land disturbance shall include a certification from the property owner and the contractor that the proposed construction, or land disturbance will not disturb the earth within the drip zone of any tree or otherwise harm a tree. Further, the permit will provide that (1) the property owner and the contractor are subject to the provisions of section 14-908 (Damage To Protected Trees, Replacement And Revegetation) and (2) during construction, including but not limited to preparation of the construction site, no excess soil, sediment, fill, vehicles, equipment, liquid, waste, solid waste, special waste, debris, solvents, vehicles, portable toilets, machinery, equipment, or building materials shall be stored or parked within six feet of the drip line of any tree. This

Deleted: Steep slopes are any area of 1,000 or more square feet and having a slope of 15 percent or more.

exemption from the tree inventory requirement does not allow for exemption from any of the other requirements of sections 14-901—14-909, including but not limited to the inspection for installation of replacement trees as required by section 14-904(i).

(Ord. No. 20-01-01-01, 1-26-21)

Part 3. Speed Limits

Sec. 15-103. Commercial vehicles.

(1) Commercial vehicle means any vehicle or towed vehicle used in commerce principally to transport passengers, cargo, or equipment. Commercial vehicles include, but are not limited to:

(i) Landscaping vehicles, equipment and trailers;

(ii) Construction vehicles, equipment and trailers;

(iii) Any vehicle utilized for construction or landscaping related activities; and

(iv) Private passenger vehicles used by persons performing landscaping or construction related services on private property.

(2) Whenever reasonably possible, commercial vehicles must be stopped or parked outside of the public right-of-way or on private property. The city manager or his designee will determine whether it is reasonably possible for a commercial vehicle to be parked outside of the public right-of-way or on private property.

If the city manager or his designee determines that it is not reasonably possible for a commercial vehicle to be stopped or parked outside of the public right-of-way or on private property, then that commercial vehicle may be stopped or parked within the public right-of-way, provided:

(a) Such stopping or parking is not otherwise prohibited by this Part 1 of Chapter 15.

(b) The driver of the commercial vehicle employs commercially reasonable traffic control measures, such as signs, flags, or cones, to alert motorists to the hazard posed by the stopped or parked commercial vehicle.

(c) The commercial vehicle may not be parked on a public right-of-way for any time that is longer than reasonably necessary

(3) The city manager, building inspector (or their designees) may issue a stop work order to any person holding a building permit, or any related city-issued permit, who violates this chapter, or whose contractor, employee, agent or subcontractor violates this chapter. The stop work order will remain in effect until all violations of this chapter are remedied and the permit-holder delivers a written parking plan to the city. A stop work order may be issued in addition to any and all other penalties permitted by law.

(4) Not more than one commercial vehicle may be parked outside on any residential lot unless those vehicles are being operated by personnel involved in permitted construction on the site in which they are parked. Otherwise, the commercial vehicle shall be parked in a garage at all times.

Deleted: (Ord. No. O-21-07-02-80, 9-28-21)¶

ORDINANCE 2023-05

**AN ORDINANCE OF THE CITY OF OAK HILL, TENNESSEE
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OAK HILL
AND CHAPTER 14 – ZONING AND LAND USE CONTROL, PART 1
OF THE MUNICIPAL CODE OF THE CITY OF OAK HILL**

WHEREAS, the City of Oak Hill Board of Commissioners and the City of Oak Hill Planning Commission have determined that the Official Zoning Map of the City of Oak Hill, as adopted by and made a part of the City’s Zoning Ordinance, Part 1 of Chapter 14 – Zoning and Land Use Control of the City of Oak Hill’s Municipal Code, should be amended; and

WHEREAS, public notice has been given and a public hearing has been held on the proposed amendment to the Official Zoning Map the Municipal Code, including Chapter 14 – Zoning and Land Use Control, Part 1 – Zoning Ordinance, in accordance with T.C.A. §§ 13-7-203 and 204; and

WHEREAS, the City of Oak Hill Planning Commission has reviewed and recommended the adoption of the proposed amendment to the City’s Official Zoning Map, as adopted by and made a part of Chapter 14 – Zoning and Land Use Control, including Part 1 – Zoning Ordinance, 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 Official Zoning Map of the City of Oak Hill as adopted by and made a part of Municipal Code for the City of Oak Hill, Chapter 14 – Zoning and Land Use Control, Part 1 – Zoning Ordinance, is hereby amended as shown on the Zoning Map attached hereto.

Passed First Reading: _____

Passed Second Reading: _____

Mayor Dale Grimes

ATTEST:

City Recorder

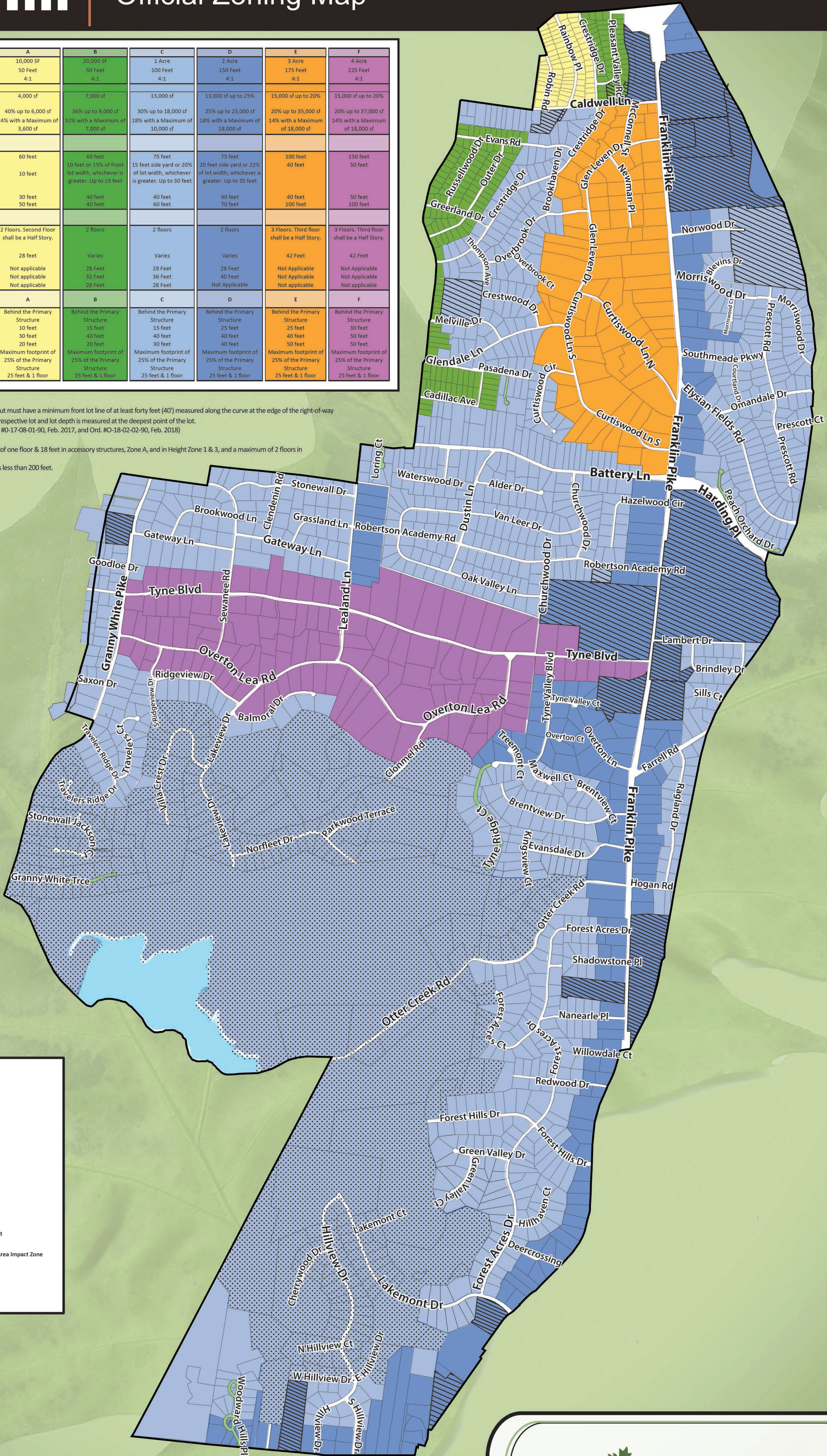
Approved as to form and legality:

L. Marshall Albritton, City Attorney

Oak Hill Official Zoning Map

REQUIREMENTS	A	B	C	D	E	F
Minimum Lot Area	10,000 SF	20,000 SF	1 Acre	2 Acre	3 Acre	4 Acre
Minimum Front Lot Line ¹	50 Feet	50 Feet	100 Feet	150 Feet	175 Feet	225 Feet
Maximum Lot Depth Lot Width Ratio ²	4:1	4:1	4:1	4:1	4:1	4:1
Maximum Lot Coverage						
For Lots less than the Minimum Lot Area	4,000 sf	7,000 sf	13,000 sf	13,000 sf up to 25%	15,000 sf up to 20%	15,000 sf up to 20%
For Lots greater than the Minimum Lot Area	40% up to 6,000 sf	36% up to 9,000 sf	30% up to 18,000 sf	25% up to 25,000 sf	20% up to 35,000 sf	20% up to 37,000 sf
Maximum Gross Floor Area Ratio (FAR)	24% with a Maximum of 3,600 sf	32% with a Maximum of 7,000 sf	18% with a Maximum of 10,000 sf	18% with a Maximum of 18,000 sf	14% with a Maximum of 18,000 sf	14% with a Maximum of 18,000 sf
Minimum Yard Requirements for Primary Structure						
Front Setback ³	60 feet	60 feet	75 feet	75 feet	100 feet	150 feet
Side Setback: Interior lot line	10 feet	10 feet or 15% of front lot width, whichever is greater. Up to 15 feet	15 feet side yard or 20% of lot width, whichever is greater. Up to 30 feet	20 feet side yard or 22% of lot width, whichever is greater. Up to 35 feet	40 feet	50 feet
Side Setback: Side Street	30 feet	40 feet	40 feet	40 feet	40 feet	50 feet
Rear Setback	50 feet	40 feet	60 feet	70 feet	100 feet	100 feet
Maximum Primary Structure Height - Overall						
Maximum Stories	2 Floors. Second Floor shall be a Half Story.	2 floors	2 floors	2 floors	3 Floors. Third floor shall be a Half Story.	3 Floors. Third floor shall be a Half Story.
Maximum Height ⁴	28 feet	Varies	Varies	Varies	42 Feet	42 Feet
Height Zone 1 Height Maximum	Not applicable	28 Feet	28 Feet	28 Feet	Not Applicable	Not Applicable
Height Zone 2 Height Maximum	Not applicable	32 Feet	36 Feet	40 Feet	Not Applicable	Not Applicable
Height Zone 3 Height Maximum ⁵	Not applicable	28 Feet	28 Feet	Not Applicable	Not applicable	Not applicable
Minimum Yard Requirements for Accessory Structures, Pool Houses, Pools, and Pool Decks						
Front Setback	Behind the Primary Structure	Behind the Primary Structure	Behind the Primary Structure	Behind the Primary Structure	Behind the Primary Structure	Behind the Primary Structure
Side Setback	10 feet	15 feet	15 feet	25 feet	25 feet	30 feet
Side Setback: Side Street	30 feet	40 feet	40 feet	40 feet	40 feet	50 feet
Rear Setback	20 feet	20 feet	30 feet	40 feet	50 feet	50 feet
Pool House	Maximum footprint of 25% of the Primary Structure	Maximum footprint of 25% of the Primary Structure	Maximum footprint of 25% of the Primary Structure	Maximum footprint of 25% of the Primary Structure	Maximum footprint of 25% of the Primary Structure	Maximum footprint of 25% of the Primary Structure
Maximum Height	25 feet & 1 floor	25 feet & 1 floor	25 feet & 1 floor	25 feet & 1 floor	25 feet & 1 floor	25 feet & 1 floor

Additional Regulations:
¹ Lots on cul-de-sacs are exempt from this provision; but must have a minimum front lot line of at least forty feet (40') measured along the curve at the edge of the right-of-way
² Lot width is measured at the narrowest point of the respective lot and lot depth is measured at the deepest point of the lot.
 (Ord. #12-16, Jan. 2013, as amended by Ord. #0-17-08-01-90, Feb. 2017, and Ord. #0-18-02-02-90, Feb. 2018)
³ Whichever is greater from this table or § 14-121(f)
⁴ Flat Roof structures are permitted to be a maximum of one floor & 18 feet in accessory structures, Zone A, and in Height Zone 1 & 3, and a maximum of 2 floors in Height Zone 2, Zone E, and Zone F.
⁵ Height Zone 3 is not applicable to lots with lot depths less than 200 feet.



LEGEND

- Zoning
 - Residential A
 - Residential B
 - Residential C
 - Residential D
 - Residential E
 - Residential F
 - Radnor Lake
 - Conditional Use Permit
 - Radnor Lake Natural Area Impact Zone
 - Oak Hill City Limits
 - Private Street

This is a true and accurate copy of the official Zoning Map of the City of Oak Hill, Tennessee, as adopted by

Ordinance No: _____ on _____

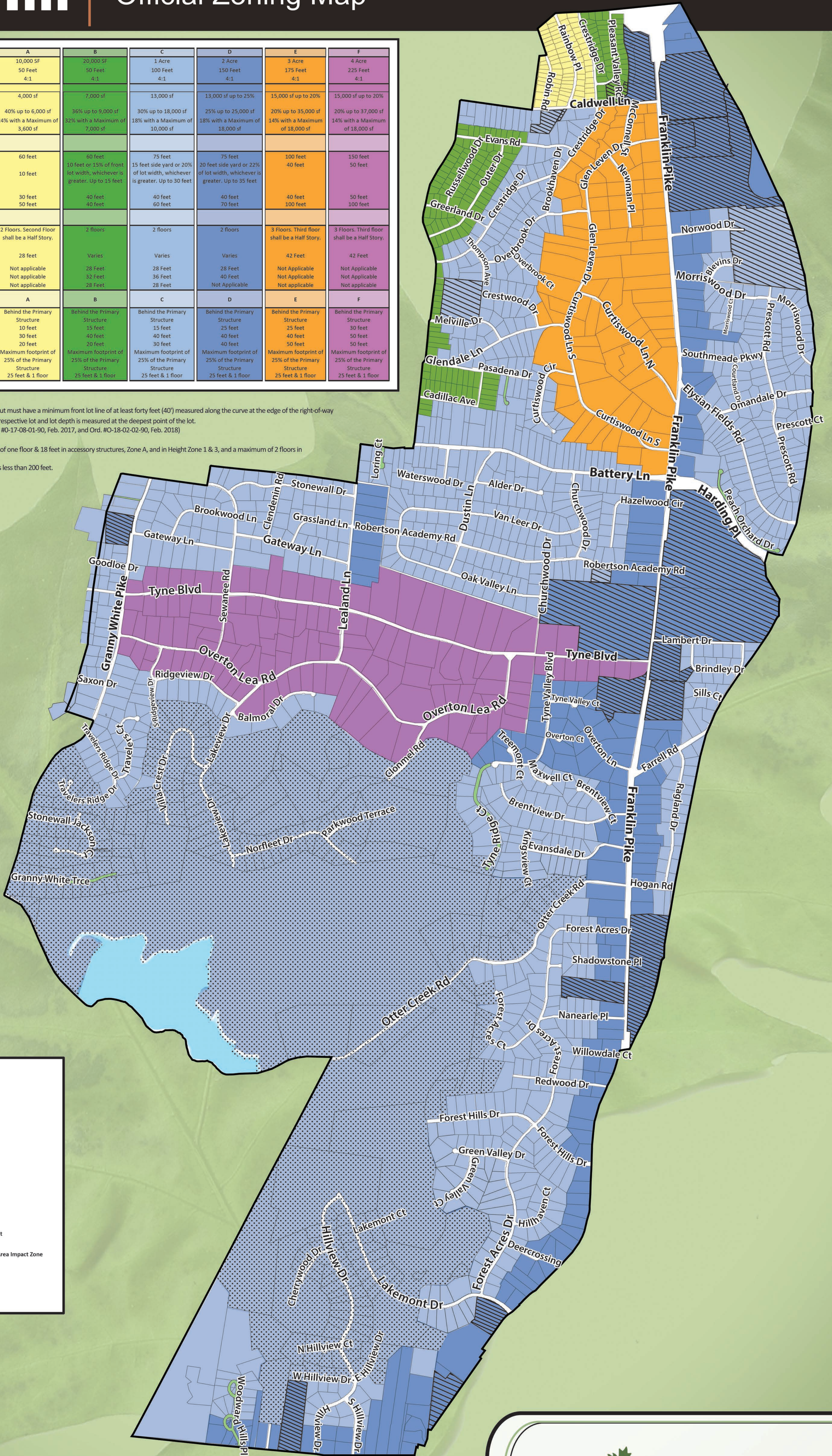


prepared by:
Kimley»Horn

Oak Hill Official Zoning Map

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