

## ORDINANCE 2022-51

**AN ORDINANCE AMENDING PART B OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF MT. JULIET, TENNESSEE, KNOWN AS THE ZONING REGULATIONS (ORDINANCE 2001-29), ADOPTED OCTOBER 8, 2001, AS AMENDED, BY MODIFYING ARTICLE 6, COMMERCIAL DISTRICT REGULATIONS, SUPPLEMENTAL DESIGN PROVISIONS, SECTION 6-104.1, MIXED USE DEVELOPMENT STANDARDS.**

**WHEREAS**, The City of Mt. Juliet desires to amend the Zoning regulations, Article 6, Commercial District Regulations, Supplemental Design Provisions, Section 6-104.1; and

**WHEREAS**, the Planning Commission considered this request during their meeting of September 15, 2022, and recommended approval of the zoning amendment; and

**WHEREAS**, the Board of Commissioners desires to amend Article 6, Commercial District Regulations, Supplemental Design Provisions, Section 6-104.1, Mixed Use Development Standards to be amended to include the language below.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Mt. Juliet, Wilson County, Tennessee, while in regular session on 09/26/, 2022 as follows:

6-104.1 Mixed-use development standards for density, height, lot size and open space. The provisions of this section apply to any mixed-use development located on any zone lot or portion of a zone lot in any commercial district.

1. Provisions applicable to mixed-use developments. The provisions appearing below shall apply to all mixed-use developments (buildings and/or sites) where such are permitted within any commercial district.
  - a. Maximum bulk permitted. For any mixed-use development the height, density, bulk, lot size and open space provisions applicable to the RM-8/16 district (see article V, table 5-103a) shall apply. Unless modified through the PUD process these provisions and the provisions of [subsection] 5-104.1, Development standards for multi-family dwellings, shall apply.
  - b. Calculation of residential density. To determine the residential density permitted within any mixed-use development the following procedure shall be utilized:
    - i. The zone lot upon which the development is located will be apportioned as to its nonresidential-residential components as follows:
      - a) For a site containing mixed-use buildings the total GFA (gross floor area) will be calculated and the percent commercial/residential determined. The percent residential GFA will then be applied to the total acreage of the site. This acreage will be used to calculate the maximum density. A minimum of twenty-five percent (25%) of the GFA of the entire site shall be commercial for Commercial Mixed Use Developments (CMU) and A minimum of five percent (5%) of the GFA of the

entire site shall be commercial, for Commercial Town Center (CTC) Developments.

- b) For a mixed-use site a determination will be made as to the area of the property used for commercial/residential activities. The acreage used for residential uses will be used to calculate the maximum density. A minimum of twenty-five percent (25%) of a site shall be used for commercial activities and uses for Commercial Mixed Use (CMU) Developments and for Commercial Town Center (CTC) Developments a minimum of ten percent (10%) of a site shall be used for commercial activities and uses. .
- c) The residential density approved for any project will be subject to review and approval by the Board of Commissioners based on the quality and characteristics of the project. The Board of Commissioners is under no obligation to approve the maximum allowable density for a project.
  - ii. The residential density permitted will then be calculated in a like manner as for any zone lot located within said district.
  - iii. In no instance, however, shall the total building bulk permitted be increased beyond that established for the district within which the mixed building(s) is located.

c. Applicability. The requirement in table 6-102A for a mixed-use building or mixed-use site to be approved through the PUD process contained in article VIII of the Zoning Ordinance shall not authorize such uses without the development being submitted as: 1) part of a new PUD application, or 2) an amendment (per subsection 8.203.11) to an existing PUD. In either case, mixed-use developments shall not be authorized without specific action by the board of commissioners. An existing PUD, although it may contain CMU base zoning, shall not be exempt from this requirement.

**SECTION 2:** If any section, clause, provision, or portion of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not affect any other section, clause, provision, or portion of this Ordinance.

**SECTION 3:** PUBLIC HEARING - The zoning changes were the subject of a public hearing held on \_10/24/2022 at 6:15 p.m.

**BE IT FURTHER ORDAINED**

In case of conflict between this ordinance or any part hereof, and the whole part of any existing ordinance of the City, the conflicting ordinance is repealed to the extent of the conflict but no further. If any section, clause, or provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or provision or portion of this ordinance.

This ordinance shall take effect on the earliest date allowed by law

PASSED: 10/24/2022




James Maness, Mayor

FIRST READING: 09/26/2022


SECOND READING: 10/24/2022

ATTEST:

  
Sheila S. Lockett, MMC  
City Recorder

  
Kenny Martin, City Manager

APPROVED AS TO FORM:

  
L. Gino Marchetti, Jr.  
City Attorney



## MEMORANDUM

**Date:** July 21, 2022

**To:** Luke Winchester, Chairman  
and Planning Commission

**From:** Jennifer Hamblen, Planning Director

**Re:** Zoning Ordinance Amendment  
6-104.1 Mixed Use Standards

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**OVERVIEW:** In 2013 the Zoning Ordinance was amended to allow Commercial Mixed Use and Mixed-Use Developments within CTC zoning districts. There has been constant concern regarding loopholes with this ordinance and the absence of more commercial uses proposed within these projects. Commissioner Hefner approached staff with concerns regarding the influx of CMU plans we have been receiving as of late and the lack of commercial presence in those proposals. As such, staff has researched surrounding cities and found that our current regulations underserve the intent of the original mixed-use ordinances. Surrounding cities require a minimum of 25% commercial for mixed use developments and in attempt to set an expectation of more balanced mixed-use developments, staff proposes the following amendment to 6-104.1 in the Zoning Ordinance:

6-104.1 Mixed-use development standards for density, height, lot size and open space. The provisions of this section apply to any mixed-use development located on any zone lot or portion of a zone lot in any commercial district.

1. Provisions applicable to mixed-use developments. The provisions appearing below shall apply to all mixed-use developments (buildings and/or sites) where such are permitted within any commercial district.
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- c. Applicability. The requirement in table 6-102A for a mixed-use building or mixed-use site to be approved through the PUD process contained in article VIII of the Zoning Ordinance shall not authorize such uses without the development being submitted as: 1) part of a new PUD application, or 2) an amendment (per subsection 8.203.11) to an existing PUD. In either case, mixed-use developments shall not be authorized without specific action by the board of commissioners. An existing PUD, although it may contain CMU base zoning, shall not be exempt from this requirement.

**Summary:** Section 6-104.1 of the City's Zoning Ordinance shall be amended as show above.

**Recommendation:** Staff recommends forwarding the amendment to the Board of Commissioners with a recommendation for approval.