

ORDINANCE - 2023-03

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 AMENDING 2-102, GENERAL DEFINITION, AND ARTICLE 6, COMMERCIAL DISTRICT REGULATIONS, SECTION 6-102, USES AND STRUCTURES, TO REDUCE THE ACREAGE REQUIREMENTS FROM 20 ACRES TO 5 ACRES FOR MIXED-USE SITES AND MIXED-USE BUILDINGS ON PROPERTIES FRONTING NORTH MT. JULIET ROAD LOCATED IN COMMERCIAL TOWN CENTER (CTC) MIXED USE DEVELOPMENT WITHIN ½ MILE FROM THE INTERSECTION OF EAST/WEST DIVISION AND MT. JULIET ROAD, AND REVISE THE DEFINITION FOR MIXED USE DEVELOPMENTS.

WHEREAS, the City of Mt. Juliet desires to amend Article 2-102, General Definitions, and Article 6, Commercial District Regulations, Section 6-102, Uses and Structures and;

WHEREAS, the City of Mt. Juliet desires to provide additional guidelines and requirements for Commercial Mixed-Use Sites and Mixed-Use buildings, zoned Commercial Town Center (CTC), fronting Mt. Juliet Road, within a ½ mile from the intersection of East/West Division and Mt. Juliet Road; and

WHEREAS, the City's Zoning Ordinance currently requires a minimum of 20 acres for mixed use sites or mixed use buildings in Commercial Town Center (CTC) and the City desires to reduce this minimum acreage requirement to 5 acres, fronting Mt. Juliet Road and;

WHEREAS, the Planning Commission considered this request during their meeting of October 20, 2022, and gave a positive recommendation, to the Board of Commissioners and;

WHEREAS, the Board of Commissioners desires to amend Article 2-102, General Definition and Article 6, Commercial District Regulations, Section 6-102, Uses and Structures, of the Unified Development Code of the City of Mount Juliet, Tennessee, known as the zoning regulations (ordinance 2001-29), adopted October 8, 2001, as amended, to require mixed use buildings and mixed use sites on properties fronting North Mt. Juliet Road located in Commercial Town Center (CTC) mixed use development within ½ mile from the intersection of East/West Division and Mt. Juliet Road, have the required acreage reduced from 20 acres to 5 acres.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Mt. Juliet, Wilson County, Tennessee, while in regular session on 1/09/2023, that Article 2-102, General Definitions and Article VI, Commercial District Regulations, Section 6-102, Uses and Structures, of the Development Code of the City of Mount Juliet, Tennessee, known as the zoning regulations (Ordinance 2001-29), adopted October 8, 2001, as amended, be amended to require mixed use buildings and mixed use sites with properties fronting N. Mt. Juliet Road located in Commercial Town Center (CTC) Mixed use developments, within ½ mile from the intersection of East/West Division and Mt. Juliet Road reduce the acreage requirements from 20 acres to 5 acres and update the modified definition as listed in the exhibit below.

ARTICLE 2-102, General Definitions

The definition is modified as follows:

Current Definition:

Mixed-use development. In the context used in Table 6-102A, Section I Residential Activities, mixed-use development shall consist solely of both commercial uses and multi-family housing. The incorporation of single-family housing and/or other uses shall constitute a traditional PUD.

Proposed Definition:

Mixed-use development is a kind of urban development, urban design, urban planning and/or a zoning type that blends multiple uses, such as residential, commercial, cultural, institutional, or entertainment, into one space, where those functions are to some degree physically and functionally integrated, and that provides pedestrian connections. Mixed-use development may be applied to a single building, a block or neighborhood, or in zoning policy across an entire city or other administrative unit. These projects may be completed by a private developer, (quasi-) governmental agency, or a combination thereof. A mixed-use development may be a new construction, reuse of an existing building/site or a combination.

Table 6-102A. Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts									
[Uses and Structures]			Districts						
			CG	CI	CMU	CNS	OPS	CTC	CRC
Principal uses and activities									
I.	Residential activities								
	A.	Permanent residential activity							
		1. Single-family dwelling							
		2. Duplex dwelling							
		3. Multifamily dwelling							
		4. Manufactured home dwelling							
	B.	Semi-transient residential activity							
		1. Lodginghouses							

Table 6-102A. Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts

[Uses and Structures]				Districts						
				CG	CI	CMU	CNS	OPS	CTC	CRC
	C.	Mixed Use Development								
		1.	Mixed-Use Building			P(1,5,10)			P(1,5,6,10)	
		2.	Mixed-Use Site			P(1,5,10)			P(1,5,6,10)	
II.	Community facility activities									
	A.	Administrative services		P	P	P	P	P	P	P
	B.	Child care facilities		SUP	SUP	SUP	SUP	SUP	SUP	SUP
	C.	Community assembly		P	P	P	SUP	SUP	SUP	SUP
	D.	Cultural and recreational facilities		P	P	P	C	C	C	P
	E.	Educational facilities		P	P	P	P	P	P	P
	F.	Essential public transport, communication and utility services		P	P	P	P	P	P	P
	G.	Extensive impact facilities		C		C				
	H.	Health care facilities		SUP	SUP	SUP	C	C	C	SUP
	I.	Intermediate impact facilities		C	C	C		C	C	C

Table 6-102A. Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts

[Uses and Structures]			Districts						
			CG	CI	CMU	CNS	OPS	CTC	CRC
J.	Religious facilities		C	C	C	C	C	C	C
K.	Special institutional care facilities		C		C				
L.	Special personal and group care facilities		C		C	C	C	C	
M.	Waste disposal operations								
III	Commercial activities								
A.	Adult entertainment								
B.	Animal care and veterinary services		SUP	SUP	SUP	SUP		SUP	SUP
C.	Automotive parking		P	P	P			P	
D.	Automotive and marine craft sales, service and repair		P(4)	P	C				
E.	Banking, financial, insurance and real estate services		P(7)	P(7)	P(7)	SUP(7)	SUP(7)(8)	P(7)	P(7)
F.	Convenience retail sales and services		SUP	SUP	SUP	SUP(2)(3)	SUP(2)(3)	SUP(2)	SUP(2)
G.	Entertainment and amusement services, limited		P	P	C			P	P

Table 6-102A. Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts

[Uses and Structures]			Districts						
			CG	CI	CMU	CNS	OPS	CTC	CRC
	H.	General business and communications	P	P	P	SUP	SUP	P	P
	I.	General retail trade	P(9)	P(9)	P(9)			P(9)	P(9)
	J.	Group assembly and commercial outdoor recreation	C	C	C				C
	K.	Outdoor material and equipment sales and repair	P		P				
	L.	Professional services, medical	P	P	P	SUP	P(8)	P	P
	M.	Professional services, nonmedical	P	P	P	SUP	P(8)	P	P
	N.	Restaurant, full-service	P	P	P	SUP	P(8)	P	P
	O.	Restaurant, take-out	P	P	P			P	P
	P.	Scrap operations							
	Q.	Self-service storage							
	R.	Transient habitation	P	P	P				P
	S.	Warehousing goods, transport and storage							

Table 6-102A. Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts									
[Uses and Structures]			Districts						
			CG	CI	CMU	CNS	OPS	CTC	CRC
	T.	Wholesale sales	P	P	P				
IV	Manufacturing activities								
	A.	Manufacturing, limited			SUP				
Accessory uses and activities									
	Accessory child care		C	C	C	C	C	C	C
	Accessory storage		P	P	P	P	P	P	P
	Administrative office		P	P	P	P	P	P	P
	Employee cafeteria		C	C	C			C	C
	Private recreational facilities		P	P	P			P	P
	Production for retail sale		C	C	C			C	C
	Residential occupancy		C	C	C	C	C	C	C

Note— Key to interpreting use classifications.

P = Use permitted by right within the district.

SUP = Principal use permitted with supplemental provisions.

C = Conditional use (subject to approval by the Board of [Zoning] Appeals).

ASP = Accessory use permitted with supplemental provisions.

(1) See [sub)section 5-104.1 and 6-104.1.

(2) Gasoline sales and convenience markets are not permitted within CTC Districts.

(3) Retail liquor stores shall not be permitted in the CNS and OPS Zoning Districts.

(4) In CG districts, the following use listings are prohibited: Auto dealers, auto towing services.

(5) When approved through the PUD or PUD Amendment process in article VIII.

(6) Within the Town Center Overlay District, Main Street Area, and when approved through the PUD process in article VIII.

(7) Excluding payday lenders and pawn shops.

(8) See 6-104.3.

(9) Grocery stores shall have a minimum of 20,000 square feet in sales floor area.

(10) Any CMU or CTC mixed use building or mixed-use site must meet the requirements for residential development standards set forth in zoning code Section 8-207, with the exception of CTC Mixed Use sites or buildings fronting N. Mt. Juliet Road within ½ mile of the intersection of East/West Division and Mt. Juliet Road which shall be a minimum of 5 acres . To the extent any other applicable regulation or any modification through the PUD process imposes additional/conflicting regulations on a PUD applicant, the most strict regulation will apply. Also, subject to Restriction Area, as shown in Exhibit A, as noted in Ordinance 23-_____.

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: 1/9/2023

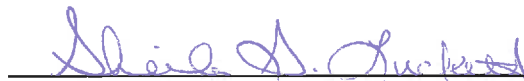

James Maness, Mayor


FIRST READING: 11/14/2022

DEFERRED: 12/12/2022

SECOND READING: 1/09/2023

ATTEST:


Sheila S. Luckett, MMC
City Recorder


Kenny Martin, City Manager

APPROVED AS TO FORM:

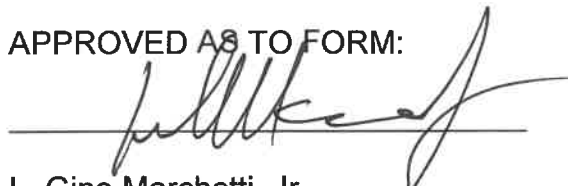
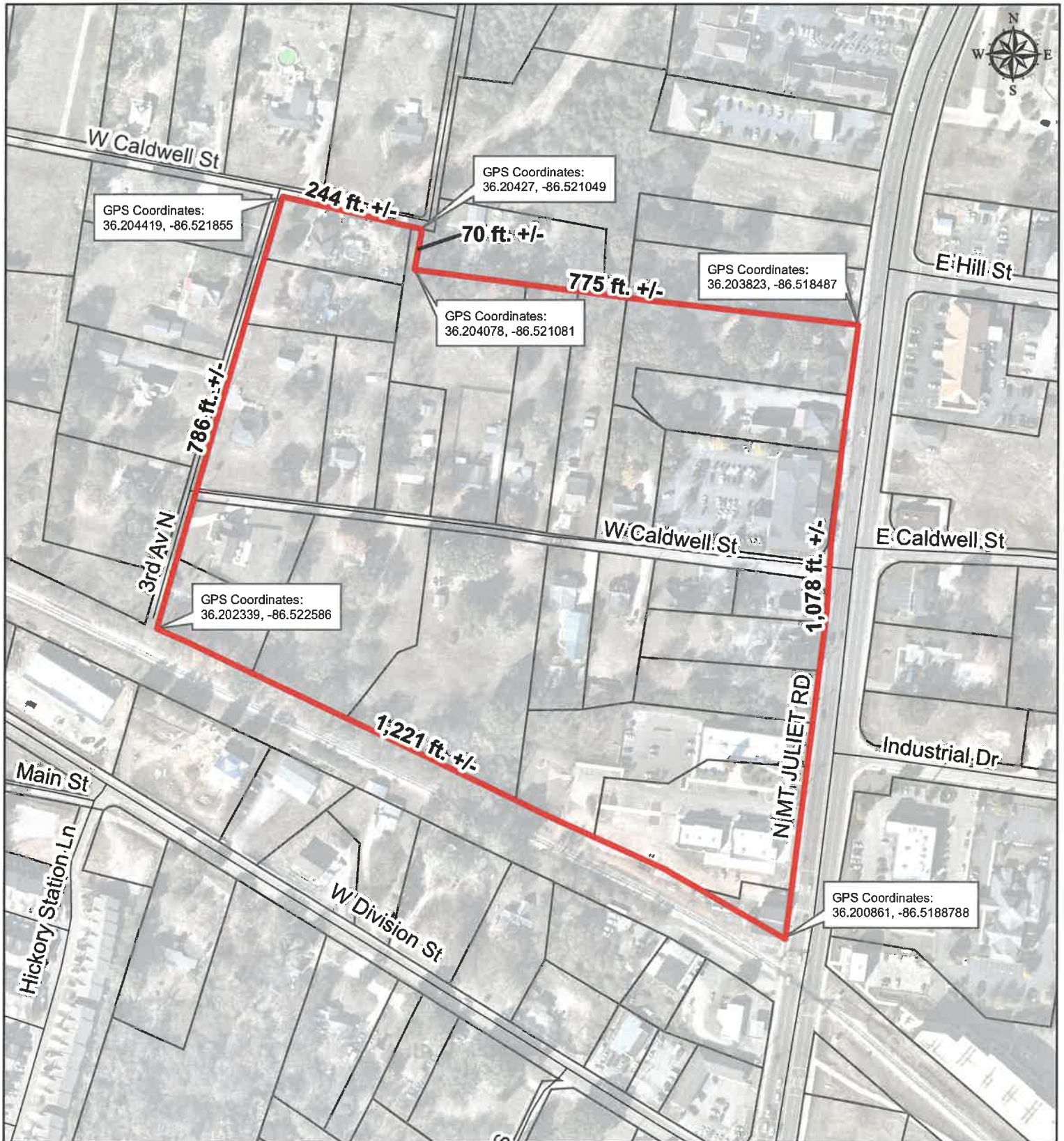



L. Gino Marchetti, Jr.
City Attorney

Exhibit A

Restriction Area- CTC Mixed Use PUD's



Legend

-  Parcels
-  Streets

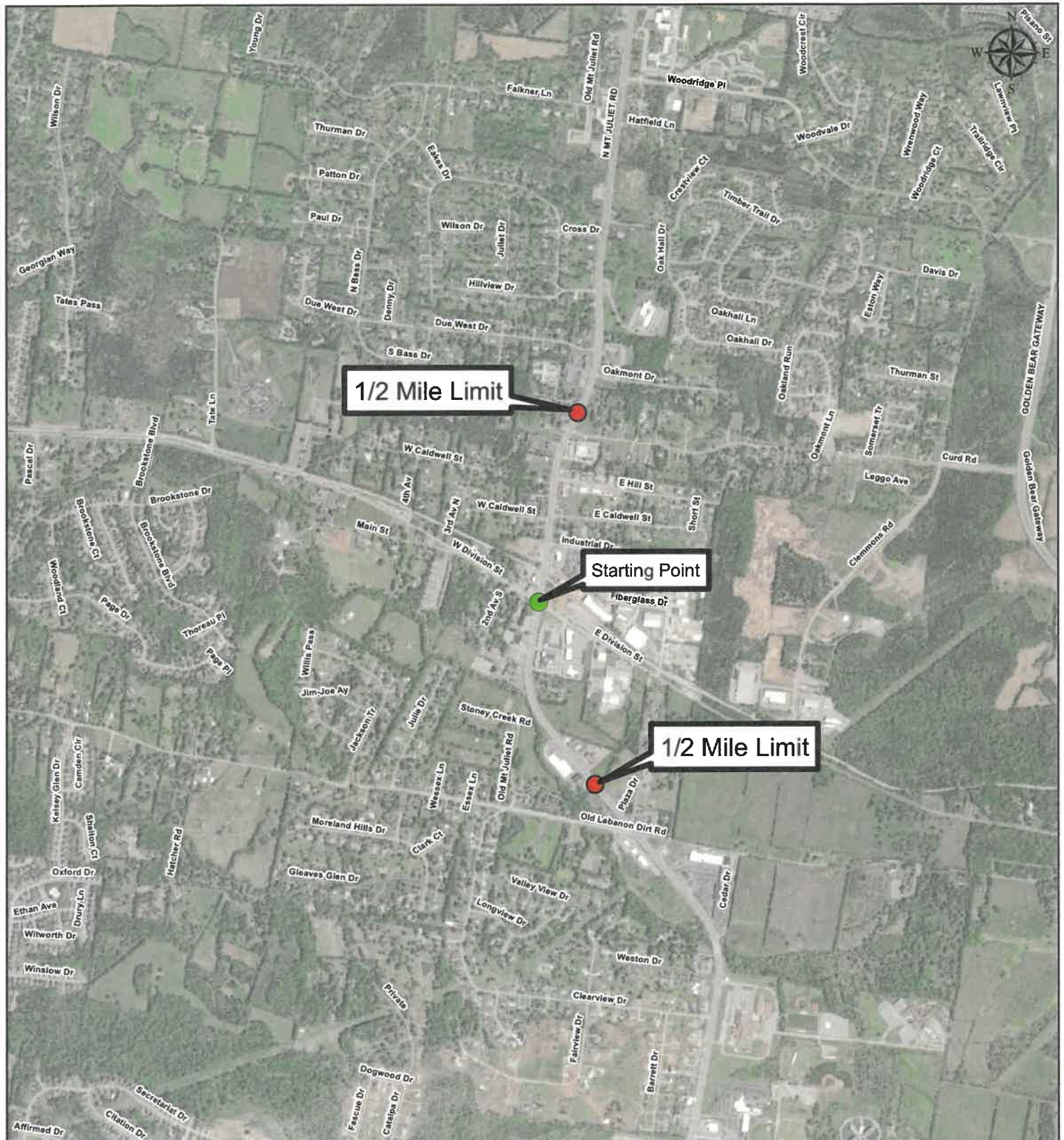
Map Created On: December 29, 2022



DISCLAIMER: This map was created by the City of Mt. Juliet GIS Division. The City of Mt. Juliet, its employees, agents and personnel, make no warranty to its accuracy, and in particular its accuracy as to labeling, dimensions, contours, property boundaries or placement or location of any map features thereon. The City of Mt. Juliet, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF A USE FOR A PARTICULAR PURPOSE EXPRESSED OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT.

Independent verification of all data contained on this map product should be obtained by any user of this map.

MJRD/Division St. - 1/2 mile Map



Legend

● MJRD/Div St Centerline

DISCLAIMER: This map was created by the City of Mt. Juliet GIS Division. The City of Mt. Juliet, its employees, agents and personnel, make no warranty to its accuracy, and in particular its accuracy as to labeling, dimensions, contours, property boundaries or placement or location of any map features thereon. The City of Mt. Juliet, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF A USE FOR A PARTICULAR PURPOSE EXPRESSED OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT.

Independent verification of all data contained on this map product should be obtained by any user of this map.



MEMORANDUM

Date: October 20, 2022

To: Luke Winchester, Chairman
and Planning Commission

From: Jennifer Hamblen, Planning Director
Jon Baughman, Deputy Planner

Re: Zoning Ordinance Amendment
Article 6, Commercial District Regulations,
Section 6-102, Uses and Structures and
Article 2-102 General Definitions

Request: The City desires to amend Article 6, Commercial District Regulations, Section 6-102, Uses and Structures, of the zoning ordinance to reduce the acreage requirements from 20 acres to 5 acres for mixed-use sites and mixed-use buildings on properties fronting N. Mt. Juliet Road located in a Commercial Town Center Mixed Use Development within ½ mile from the intersection of East/West Division and Mt. Juliet Road. The City, also desires to amend Article 2-102, General Definitions, and Article 6, Commercial District Regulations, Section 6-102, Uses and Structures, of the City's zoning ordinance.

ARTICLE 2-102, General Definitions

The definition is modified as follows:

Current Definition:

Mixed-use development. In the context used in Table 6-102A, Section I Residential Activities, mixed-use development shall consist solely of both commercial uses and multi-family housing. The incorporation of single-family housing and/or other uses shall constitute a traditional PUD.

Proposed Definition:

Mixed-use development is a kind of urban development, urban design, urban planning and/or a zoning type that blends multiple uses, such as residential, commercial, cultural, institutional, or entertainment, into one space, where those functions are to some degree physically and functionally integrated, and that provides pedestrian connections. Mixed-use development may be applied to a single building, a block or neighborhood, or in zoning policy across an entire city or other administrative unit. These projects may be completed by a private developer, (quasi-) governmental agency, or a combination thereof. A mixed-use development may be a new construction, reuse of an existing building/site or a combination.

ARTICLE 6, Commercial District Regulations, SECTION 6-102, Uses and Structures

History: In 2017 the city created the Mixed-Use Ordinance specifically for the Meridian Apartments development. Since that time there have been several attempts at a mixed-use sites/building (or a combination of both), some have been successful, some have not.

Nevertheless, the process and expectation has been evolving which has caused the necessity of several ordinance amendments.

Recently, in 2021, the City amended its zoning code to regulate the size of Commercial Mixed Use (CMU) and Commercial Town Center (CTC) Planned Unit Developments (PUD) to a minimum of 20 acres in area and to include 10% improved open space in said planned unit developments (Ordinance 2021-20). Since that time the city has been inundated with attempted large scale mixed-use developments. Also, just last month we proposed an increase to the required minimum commercial for Commercial Mixed Use developments. If approved on second reading, the minimum commercial requirement for CMU developments will be 25%.

To define and create a more village type mixed use development to our town center we are proposing this amendment: educe the required acreage from 20 acres to 5 acres for CTC Mixed Use PUD's fronting N. Mt. Juliet Road, within ½ mile of the intersection of East/West Division and N. Mt. Juliet Road.

The following (highlighted) additions to Table 6-102A of the zoning ordinance are shown below to accomplish the desired changes:

Table 6-102A. Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts									
[Uses and Structures]			Districts						
			CG	CI	CMU	CNS	OPS	CTC	CRC
Principal uses and activities									
I.	Residential activities								
	A.	Permanent residential activity							
		1. Single-family dwelling							
		2. Duplex dwelling							
		3. Multifamily dwelling							
		4. Manufacture d home dwelling							

Table 6-102A. Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts

[Uses and Structures]			Districts						
			CG	CI	CMU	CNS	OPS	CTC	CRC
	B.	Semi-transient residential activity							
		1. Lodginghouses							
	C.	Mixed Use Development							
		1. Mixed-Use Building			P(1,5,10)			P(1,5,6,10)	
		2. Mixed-Use Site			P(1,5,10)			P(1,5,6,10)	
II.	Community facility activities								
	A.	Administrative services	P	P	P	P	P	P	P
	B.	Child care facilities	SUP	SUP	SUP	SUP	SUP	SUP	SUP
	C.	Community assembly	P	P	P	SUP	SUP	SUP	SUP
	D.	Cultural and recreational facilities	P	P	P	C	C	C	P
	E.	Educational facilities	P	P	P	P	P	P	P
	F.	Essential public transport, communication and utility services	P	P	P	P	P	P	P
	G.	Extensive impact facilities	C		C				

Table 6-102A. Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts

[Uses and Structures]			Districts						
			CG	CI	CMU	CNS	OPS	CTC	CRC
	H.	Health care facilities	SUP	SUP	SUP	C	C	C	SUP
	I.	Intermediate impact facilities	C	C	C		C	C	C
	J.	Religious facilities	C	C	C	C	C	C	C
	K.	Special institutional care facilities	C		C				
	L.	Special personal and group care facilities	C		C	C	C	C	
	M.	Waste disposal operations							
III	Commercial activities								
	A.	Adult entertainment							
	B.	Animal care and veterinary services	SUP	SUP	SUP	SUP		SUP	SUP
	C.	Automotive parking	P	P	P			P	
	D.	Automotive and marine craft sales, service and repair	P(4)	P	C				
	E.	Banking, financial, insurance and real estate services	P(7)	P(7)	P(7)	SUP(7)	SUP(7)(8)	P(7)	P(7)

Table 6-102A. Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts

[Uses and Structures]			Districts						
			CG	CI	CMU	CNS	OPS	CTC	CRC
	F.	Convenience retail sales and services	SUP	SUP	SUP	SUP(2)(3)	SUP(2)(3)	SUP(2)	SUP(2)
	G.	Entertainment and amusement services, limited	P	P	C			P	P
	H.	General business and communications	P	P	P	SUP	SUP	P	P
	I.	General retail trade	P(9)	P(9)	P(9)			P(9)	P(9)
	J.	Group assembly and commercial outdoor recreation	C	C	C				C
	K.	Outdoor material and equipment sales and repair	P		P				
	L.	Professional services, medical	P	P	P	SUP	P(8)	P	P
	M.	Professional services, nonmedical	P	P	P	SUP	P(8)	P	P
	N.	Restaurant, full-service	P	P	P	SUP	P(8)	P	P
	O.	Restaurant, take-out	P	P	P			P	P
	P.	Scrap operations							
	Q.	Self-service storage							

Table 6-102A. Permitted and Conditional Uses and Structures Allowable Within Mixed Use and Commercial Districts

[Uses and Structures]			Districts						
			CG	CI	CMU	CNS	OPS	CTC	CRC
	R.	Transient habitation	P	P	P				P
	S.	Warehousing goods, transport and storage							
	T.	Wholesale sales	P	P	P				
IV	Manufacturing activities								
	A.	Manufacturing, limited			SUP				
Accessory uses and activities									
	Accessory child care		C	C	C	C	C	C	C
	Accessory storage		P	P	P	P	P	P	P
	Administrative office		P	P	P	P	P	P	P
	Employee cafeteria		C	C	C			C	C
	Private recreational facilities		P	P	P			P	P
	Production for retail sale		C	C	C			C	C
	Residential occupancy		C	C	C	C	C	C	C

Note— Key to interpreting use classifications.

P = Use permitted by right within the district.

SUP = Principal use permitted with supplemental provisions.

C = Conditional use (subject to approval by the Board of [Zoning] Appeals).

ASP = Accessory use permitted with supplemental provisions.

- (1) See [sub]section 5-104.1 and 6-104.1.
- (2) Gasoline sales and convenience markets are not permitted within CTC Districts.
- (3) Retail liquor stores shall not be permitted in the CNS and OPS Zoning Districts.
- (4) In CG districts, the following use listings are prohibited: Auto dealers, auto towing services.
- (5) When approved through the PUD or PUD Amendment process in article VIII.
- (6) Within the Town Center Overlay District, Main Street Area, and when approved through the PUD process in article VIII.
- (7) Excluding payday lenders and pawn shops.
- (8) See 6-104.3.
- (9) Grocery stores shall have a minimum of 20,000 square feet in sales floor area.
- (10) Any CMU or CTC mixed use building or mixed-use site must meet the requirements for residential development standards set forth in zoning code Section 8-207, with the exception of CTC Mixed Use sites or buildings fronting N. Mt. Juliet Road within ½ mile of the intersection of East/West Division and Mt. Juliet Road which shall be a minimum of 5 acres . To the extent any other applicable regulation or any modification through the PUD process imposes additional/conflicting regulations on a PUD applicant, the most strict regulation will apply. Also, subject to Restriction Area, as shown in Exhibit A, as noted in Ordinance 23-_____.

Summary: The proposed amendment will modify the current Mixed-Use development requirements in Article 6-102 with the proposed changes shown above as well as reduce the CTC Mixed Use acreage requirement from 20 acres to 5 acres, in specific locations in our downtown corridor. Further, it will replace the current definition of “mixed-use” development in Article 2-102 with the language above.

Recommendation: Staff recommends forwarding this ordinance, amending Article 2-102, General Definitions and Article 6, Commercial District Regulations, Section 102, Uses and Structures, as shown above, to the Board of Commissioners with a recommendation for approval.