

## ORDINANCE - 2019-02

### **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 7-103.9, BUILDING DESIGN AND ARTICLE 7-103.10, SIDEWALKS.**

**WHEREAS**, The City of Mt. Juliet desires to amend the Industrial Design Guidelines to include the requirement of 100% brick and/or stone as well as the requirement for sidewalks on all industrial site plans;

**WHEREAS**, the Planning Commission considered this request during their meeting of October 18, 2018, and recommended approval of the zoning amendment; and

**WHEREAS**, the Board of Commissioners desires to amend Article 7-103.9, Building Design and Article 7-103.10, Sidewalks, of the Mt. Juliet Zoning Ordinance, 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 January 14, 2019 as follows:

#### **SECTION 1:** Article 7-103.9, Building Design

7-103.9 *Building design*. In all industrial districts, the exterior walls of all buildings shall be of 100% brick (clay baked, individually laid) or stone (individually laid). All architectural metal, metal panels and other materials composed of metal shall be prohibited. All structures shall be shielded from view from all public streets with a landscaped berm. Accessory buildings and enclosures shall be consistent in design and materials with the building to which they are ancillary. The Planning Commission may waive any of these design requirements upon a showing by the developer that alternative materials will achieve a same or similar design result and be compatible with other buildings and structures in the vicinity which have been approved in accordance with these design provisions.

#### **SECTION 2:** Article 7-103.10, Sidewalks

1. Sidewalks. Sidewalks shall be required for all Industrial Site Plans, with the exception of those industrial subdivisions that received site plan approval prior to the enactment of this ordinance, and sidewalks shall comply with all criteria as follows:
  - a. The design, dimensions, dedications, easements, and reservations for all sidewalks shall conform to all applicable City of Mt. Juliet regulations. Sidewalks constructed within the public rights-of-way shall be installed in accordance with the adopted standards of the City of Mt. Juliet.

- b. Sidewalks are required to be constructed along all streets within or abutting a development and shall connect to sidewalks in adjoining developments.
- c. Sidewalks shall be constructed of concrete and shall be a minimum of six feet in width.
- d. Sidewalks shall maintain minimum thickness of four inches except at driveway areas where the minimum thickness is six inches.
- e. Sidewalks must comply with the City of Mt. Juliet Standard Road Details.
- f. In any case where the reconstruction or construction of a sidewalk or other pedestrian walkway is required, the City of Mt. Juliet may require the contractor to post surety in the form specified in this ordinance, for the construction of the sidewalk or walkway.
- g. The required sidewalk improvements must be installed prior to the issuance of a certificate of occupancy.

**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 January 14, 2019 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: 01/14/2019

  
 Ed Hagerty, Mayor

FIRST READING: 11/26/2018  
 SECOND READING: 01/14/2019

ATTEST:

  
 Sheila S. Lockett, MMC  
 City Recorder

  
 Kenny Martin, City Manager

APPROVED AS TO FORM:

  
 L. Gino Marchetti, Jr.  
 City Attorney



## MEMORANDUM

**Date:** October 18, 2018

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

**From:** Jennifer Hamblen  
Planning Director

**Re:** Zoning Ordinance Amendment  
Industrial Design Guidelines  
Article 7-103.9, Building Design  
Article 7-103.10, Sidewalks

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**Background:** This request has been initiated in part by staff and Mayor Ed Hagerty. The amendment includes a requirement 100 % brick and or stone as well as a requirement for sidewalks for all industrial site plans. The amendment revises the wording in Article 7-103.9 removing "and/or precast stone" and creates a new Article "7-103.10, Sidewalks". The amendment reads as follows:

*7-103.9 Building design. In all industrial districts, the exterior walls of all buildings shall be of 100% brick (clay baked, individually laid) or stone (individually laid) . All architectural metal, metal panels and other materials composed of metal shall be prohibited. All structures shall be shielded from view from all public streets with a landscaped berm. Accessory buildings and enclosures shall be consistent in design and materials with the building to which they are ancillary. The Planning Commission may waive any of these design requirements upon a showing by the developer that alternative materials will achieve a same or similar design result and be compatible with other buildings and structures in the vicinity which have been approved in accordance with these design provisions.*

### *7-103.10 Sidewalks*

1. *Sidewalks. Sidewalks shall be required for all Industrial Site Plans, with the exception of those industrial subdivisions that received site plan approval prior to the enactment of this ordinance, and sidewalks shall comply with all criteria as follows:*
  - a. *The design, dimensions, dedications, easements, and reservations for all sidewalks shall conform to all applicable City of Mt. Juliet regulations. Sidewalks constructed within the public rights-of-way shall be installed in accordance with the adopted standards of the City of Mt. Juliet.*
  - b. *Sidewalks are required to be constructed along all streets within or abutting a development and shall connect to sidewalks in adjoining developments.*
  - c. *Sidewalks shall be constructed of concrete and shall be a minimum of six feet in width.*
  - d. *Sidewalks shall maintain minimum thickness of four inches except at driveway areas where the minimum thickness is six inches.*
  - e. *Sidewalks must comply with the City of Mt. Juliet Standard Road Details.*
  - f. *In any case where the reconstruction or construction of a sidewalk or other pedestrian walkway is required, the City of Mt. Juliet may require the contractor to post surety in the form specified in this ordinance, for the construction of the sidewalk or walkway.*
  - g. *The required sidewalk improvements must be installed prior to the issuance of a certificate of occupancy.*

**Findings of Fact:** In reviewing the amendment, staff finds that the proposed action meets the following Findings as required by Section 14-107.4 of the Zoning Ordinance.

1. The amendment is in agreement with the general plan for the area.
2. It has been determined that the legal purposes for which zoning exists are not contravened.
3. It has been determined that there will be no adverse effect upon joining property owners, unless such effect can be justified by the overwhelming public good or welfare.
4. It has been determined that no property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

**Recommendation:** Staff recommends that the Regional Planning Commission forward a recommendation for approval of the proposed changes to the Board of Commissioners,