

ORDINANCE 2016-225

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF FOREST HILLS**

WHEREAS, the City of Forest Hills Planning Commission and City of Forest Hills Board of Commissioners have determined, after experience with the Zoning Ordinance, that adjustments are needed to achieve the desired objectives of the City of Forest Hills; and

WHEREAS, the City of Forest Hills Planning Commission has reviewed and recommended the adoption of this Amendment to the Zoning Ordinance; and

WHEREAS, public notice has been given and a public hearing on this Amendment to the Zoning Ordinance has been held in accordance with T.C.A. §§ 13-7-203 and 204.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FOREST HILLS, TENNESSEE that the Zoning Ordinance for the City of Forest Hills, as codified in Title 14, Chapter 2 of the Municipal Code of the City of Forest Hills is hereby amended as follows:

1. **Amendment to Section 2.03(d)(ii) Regarding Creation of New Non-Residential Districts.** Section 2.03(d)(ii) is hereby deleted in its entirety and replaced with the following:

(ii) In the event that the Planning Commission does not recommend the creation of a non-residential zoning district, then the Board of Commissioners may approve the application, provided that such application is approved by a unanimous vote of the Board of Commissioners.

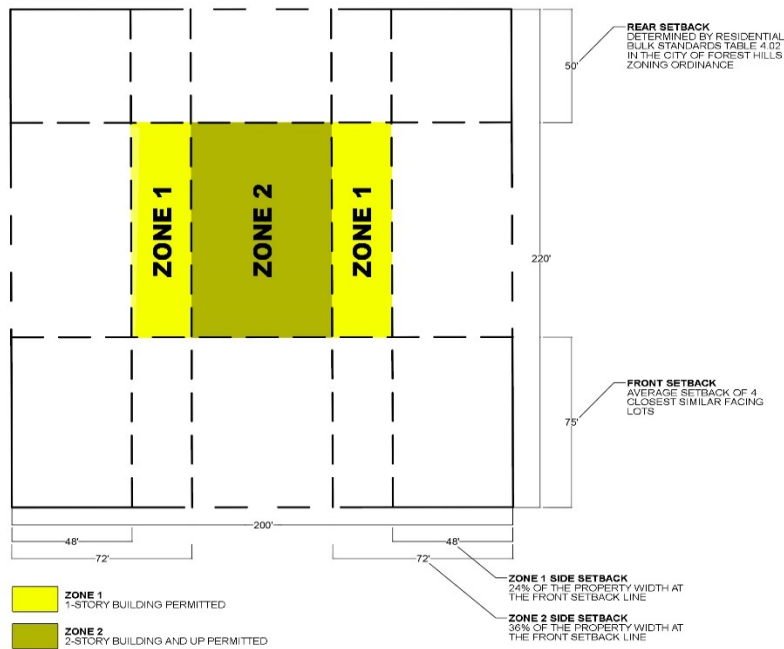
2. **Amendment to Section 4.02 Regarding Residential Bulk Standards and Section 4.04 (Reserved).** Except for the first sentence in Section 4.02, the remainder of Section 4.02 shall be moved to Section 4.04, which is presently reserved. The resulting Sections shall be as follows:

4.02. **Residential Bulk Standards.** All residential uses shall meet the requirements of Table 4.02.

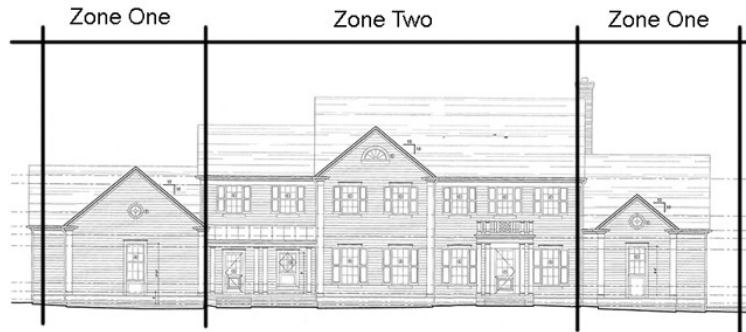
4.04. **Temporary Concurrent Dwellings.** Only one principal Dwelling or principal building is permitted on a single Lot; provided, however, that the City Manager may permit an owner of a Dwelling to continue to live in a Dwelling during the period that a replacement Dwelling is under construction on the same Lot. If so permitted, the owner of the Lot shall provide a performance agreement secured by a letter of credit pursuant to which the owner shall covenant to demolish the original Dwelling upon substantial completion of the replacement Dwelling

3. **Amendment to Section 4.02 Regarding Residential Bulk Standards.** The following Subsections are hereby inserted at the end of the existing Section 4.02:

- (a) *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. The minimum Lot Area is as set forth in Table 4.02.
- (b) *Lot Width.* “Lot Width” means the horizontal distance between side lot lines measured at the minimum required front yard setback line. The minimum Lot Width is as set forth in Table 4.02.
- (c) *Minimum Street Frontage.* The minimum street frontage is as set forth in Table 4.02, except for cul-de-sac streets which shall have not less than forty (40) feet.
- (d) *Minimum Front Yard Setback.* The front yard setback shall be determined by the average setbacks of the four most adjacent Lots with like-facing homes. If such average is not capable of being determined due to lack of development on adjacent Lots or is otherwise impracticable due to site conditions affecting adjacent Lots, then the Minimum Front Yard Setback is as set forth in Table 4.02. When applicable, Lot lines may be measured to the centerline of private roads and may be used to calculate the Lot Area and front yard setback.
- (e) *Minimum Rear Yard Setback.* The minimum rear setback is as set forth in Table 4.02.
- (f) *Minimum Side Yard Setback – Zone 1 and Zone 2.* Minimum side yard setbacks shall consist of two zones. Zone 1 is calculated at 24% of the Lot Width at the front of the Building Envelope. Zone 2 is calculated at 36% of the Lot Width at the front of the Building Envelope.



- (g) *Maximum Building Height.* The maximum Building Height in Zone 1 may be up to 25 feet using average height definition. The maximum Building Height in Zone 2 is as set forth in Table 4.02. Building classifications are as follows: Zone 1 is calculated at 24% of the Lot Width at the front of the Building Envelope. Zone 2 is calculated at 36% of the Lot Width at the front of the Building Envelope. See Illustrations below.



- (h) *Roof Pitch.* Buildings with a total height of 25 feet or less may have roof pitches no steeper than 16x12. Buildings with a height greater than 25 feet may have roof pitches no greater than 12x12.
- (i) *Maximum Building Cover and Building Cover Ratio.* The maximum Building Cover is as set forth in Table 4.02. Building Cover Ratio is a measure of the intensity of the land use, which is determined by dividing the total horizontal area of all surfaces under roof, including but not limited to covered porches, overhangs, and entryways on a Lot, by the Lot Area.
- (j) *Impervious Surface.* Impervious Surface is any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, roofs of Buildings or Structures, parking and driveway areas, sidewalks, walls, patios, pool decks, pools, and graveled areas. Permeable pavement systems, including pervious concrete, modular block systems, porous asphalt, or grass and gravel pavers, are considered Impervious Surfaces; however, each one square foot of properly installed permeable pavement system will be counted as 0.67 square foot of Impervious Surface. Permeable systems must reduce runoff volume by not less than 45% and must follow the design criteria as defined in Metropolitan Nashville and Davidson County's green infrastructure practices manual GIP-03.
- (k) *Maximum Impervious Surface Ratio.* The maximum Impervious Surface Ratio is as set forth in Table 4.02. Impervious Surface Ratio (a/k/a ISR) is a measure of the intensity of the land use, which is determined by dividing the total area of all Impervious Surfaces on a Lot, including Building Cover, by the Lot Area.

- (l) *Floor Area and Floor Area Ratio.* Floor Area is the total of the gross horizontal areas of all Floors, including basements, attics, and cellars, that may be used for habitation in compliance with the City's Building Code. Specifically excluded from the Floor Area calculation are garages and carports being used for the purpose of parking vehicles and porches, patios, balconies, and decks that are not enclosed and not under roof. Floor Area Ratio is a measure of the intensity derived by dividing the total Floor Area by the gross Lot Area.
- (m) *Maximum Floor Area Ratio.* The maximum Floor Area Ratio is as set forth in Table 4.02.

4. **Amendment to Table 4.02 Regarding Residential Bulk Standards.** Table 4.02 Residential Bulk Standards is hereby deleted in its entirety and replaced with the following:

Table 4.02
Residential Bulk Standards

District	Min. Lot Area (acres)	Min. Lot Width (ft)	Min. Street Front (ft)	Front Yard Setback (ft)	Side Yard Setback (ft)		Rear Yard Setback (ft)	Max. Height (ft)		Max. Bldg. Cover	ISR	FAR
					Zone 1	Zone 2		Zone 1	Zone 2			
EIA	6	250	125	150	24%	36%	100	25	35	0.05	0.1	0.075
EA	3	250	125	150	24%	36%	100	25	35	0.06	0.2	0.090
EB	2	200	100	125	24%	36%	75	25	35	0.08	0.2	0.120
EC	1.5	200	100	90	24%	36%	50	25	30	0.09	0.2	0.135
RA	1.25	185	90	90	24%	36%	50	25	30	0.10	0.2	0.150
NC1	1	100	80	90	24%	36%	25	25	30	0.12	-	0.180
NC2	1	175	100	90	24%	36%	40	25	30	0.12	-	0.180
OS	1	-	-	-	24%	36%	-	25	35	0.12	0.3	0.180

5. **Amendment to Section 4.03 Regarding Residential Bulk Standards.** The following Subsections are hereby inserted at the end of the existing Section 4.03:

- (a) The minimum Lot Area for premises to be used both as a Public or Private School and as a Place of Worship shall be the greatest area required for any of the uses plus one-half of the area required for each of the other uses.
- (b) Places of Worship may have steeples or other architectural features that exceed the maximum height limitations set forth in Table 4.03 of this Zoning Ordinance, provided they meet the following requirements: (i)

said steeples or other architectural features shall cover no more than five (5) percent of the total ground Floor Area; (ii) said steeples or other architectural features shall not exceed seventy (70) feet in height as measured from the ground beneath the steeple or other architectural feature to the top of the steeple or other architectural feature; (iii) said steeples or architectural features may exceed the aforesaid limitations in paragraphs (i) and (i) above, provided they are approved by the Board of Zoning Appeals.

6. **Amendment to Table 4.03 Regarding Non-Residential Bulk Standards.** Table 4.03 Non-Residential Bulk Standards is hereby deleted in its entirety and replaced with the following:

Table 4.03
Non-Residential Bulk Standards

District	Min. Lot Area (acres)	Min. Lot Width (ft)	Front Yard Setback (ft)	Side Yard Setback (ft)	Rear Yard Setback (ft)	Max. Height (ft)	Max. Bldg. Cover	ISR
HC	1.25	185	100	35	75	25	.05	.30
IN (Places of Worship)	10	400	150	150	100	45	.06	.35
IN (K- 6 School)	20	400	150	150	100	45	.06	.40
IN (7- 12 School)	50	400	150	150	100	45	.06	.40
CC	160	1000	500	500	500	35	.04	.12

7. **Amendment to Table 4.05(a) Regarding Accessory Use Bulk Standards.** Table 4.05(a) Accessory Use Bulk Standards is hereby deleted in its entirety and replaced with the following:

Table 4.05(a)
Accessory Use Bulk Standards

District	Rear Yard Setback	Side Yard Setback
		Zone 1
E1A	30'	24%
EA	30'	24%
EB	25'	24%
EC	20'	24%
RA	15'	24%
NC1	15'	24%

NC2	15'	24%
OS	15'	24%
HC	See 4.05(b)	See 4.05(b)
IN	See 4.05(c)	See 4.05(c)
CC	See 4.05(c)	See 4.05(c)

8. **Amendment to Section 4.05 (d) and Subparts (i) – (iii) Thereunder Regarding Other Bulk Standards.** Section 4.05 (d) and Subparts (i) – (iii) thereunder Other Bulk Standards is hereby deleted in its entirety and replaced with the following:

(d) **Other Bulk Standards:**

(i) Height. Accessory Uses shall not exceed Zone 1 maximum height or the height of the principal Dwelling or principal Building, whichever height is lower. See Bulk Standards identified in Table 4.02 and Table 4.03.

(ii) Maximum Building Cover; Impervious Surface Ratio. The maximum Building Cover and Impervious Surface Ratio for an Accessory Use combined with a principal Dwelling or principal Building shall not exceed the Bulk Standards identified in Table 4.02 and Table 4.03.

(iii) Floor Area Ratio. The total Floor Area Ratio of all Accessory Uses combined shall not exceed 0.01.

9. **Amendment to Section 6.05 Regarding Tree Protection.** Section 6.05(a)(i) contains an incorrect Section reference. "...unless exempted in accordance with Section 6.05(b)" shall be removed and substituted therefor shall be "...unless exempted in accordance with Section 6.05(a)(ii)."

10. **Amendment to Section 6.05 Regarding Application of Tree Protection.** The following Subsection is hereby inserted after the existing Subsection 6.05(a)(i)(2):

- (3) Existing trees located between a proposed Building or Structure and the adjacent public right of way of a primary or secondary street with a Diameter Breast Height ("DBH") of 8 inches or greater shall be preserved. This preservation requirement related to existing trees with 8 inch DBH or greater may be appealed to the Board of Zoning Appeals.

11. **Amendment to Section 6.05 Regarding Tree Replacement.** Section 6.05(b) contains an incorrect Section reference. The Subsection regarding "Tree Replacement" is incorrectly referenced as a duplicative "Section 6.05(b)(i)," which shall be removed and substituted therefor shall be "Section 6.05(b)(ii)."

12. **Amendment to Section 6.05(b) Regarding Tree Preservation and Replacement.** The following Subsection is hereby inserted after the existing Subsection 6.05(b)(ii):

- (iii) Upon condition that a Grading Plan clearly demonstrates that it is impractical to preserve existing tree(s) in connection with driveway access, grading, or other site improvements, such trees may be removed subject to administrative approval. Removed trees 8 inches in DBH or greater shall be replaced at a rate of 1 inch for every 1 inch removed. Decisions concerning the application of this Subsection may be appealed to the Board of Zoning Appeals.

13. **Amendment to Section 7.02(d) Regarding Non-Conforming Buildings, Dwellings and Structures.** Section 7.02(d) is hereby deleted in its entirety and replaced with the following:

- (d) Except as set forth in Section 7.02(c) above, in the event the owner of any Lot wishes to alter or change any Nonconforming Building, Dwelling, or Structure that does not expand or increase the nonconformity, said owner shall apply to the City for a building permit for the alteration or change. Any building permit application for any alteration or change to any Nonconforming Building, Dwelling, or Structure that expands or increases the nonconformity shall be referred to the Board of Zoning Appeals.

14. **Amendment to Section 10.02 Regarding Word Usage.** Section 10.02 contains an incorrect Section reference. The reference to “Section 11.02” shall be removed and substituted therefor shall be “Section 10.02.”

15. **Amendment to Section 10.03 Regarding Definitions.** The following definitions, which are not presently set forth in Section 10.03 shall be inserted in Section 10.03 in their respective alphabetical locations. All definitions below that are presently set forth in Section 10.03 shall be removed in their entirety and substituted therefor shall be the definitions below.

Accessory Apartment: A portion of a Building that may be used as an independent Dwelling with separate cooking, eating, sanitation, and sleeping facilities that is attached to a Dwelling, commonly known as a “mother in-law apartment” or a “granny flat.” See also Section 3.04(c).

Building: “Building” means any Structure that encloses a space that may be used for sheltering any use and/or occupancy thereof.

Building Cover Ratio: “Building Cover Ratio” is a measure of the intensity of the land use, which is determined by dividing the total horizontal area of all

surfaces under roof, including but not limited to covered porches, overhangs, entryways, patios, and pools on a Lot, by the Lot Area.

Building Envelope: Building Envelope is the horizontal area of a Lot upon which Buildings and Structures may be constructed.

Dwelling: Any Building that may be occupied in whole or in part as the home or residence, including any Guest House, Caretaker Cottage, Accessory Apartment, or other accessory Structures appurtenant thereto, for habitation by one or more persons comprising a “Family” as defined below.

Floor Area: Floor Area is the total of the gross horizontal areas of all Floors, including basements, attics, and cellars, that may be used for habitation in compliance with the City’s Building Code. Specifically excluded from the Floor Area calculation are garages and carports being used for the purpose of parking vehicles and porches, patios, balconies, and decks that are not enclosed and not under roof. See also Section 4.02(l).

Floor Area Ratio: Floor Area Ratio is a measure of the intensity derived by dividing the total Floor Area by the gross Lot Area. See also Section 4.02(l).

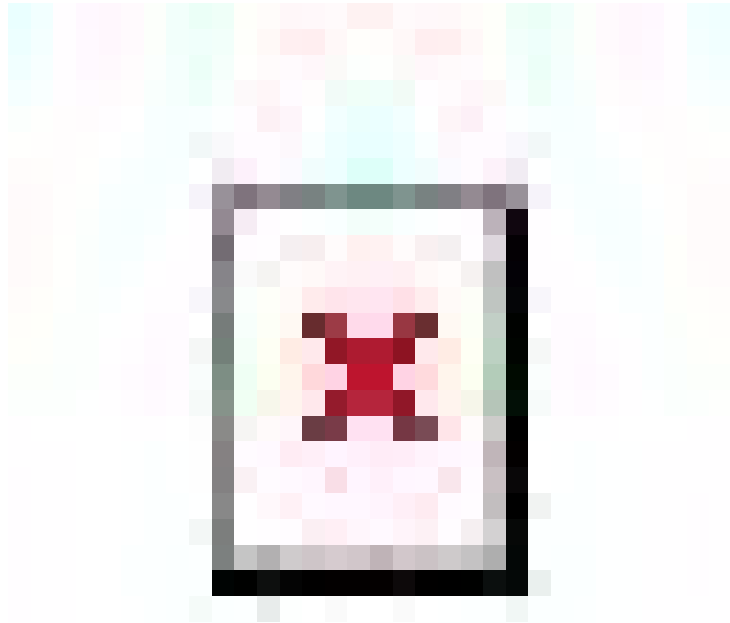
Geotechnical Study: A report or study prepared and certified by a geotechnical engineer licensed to practice in the State of Tennessee

Impervious Surface: *Impervious Surface.* Impervious Surface is any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, roofs of Buildings or Structures, parking and driveway areas, sidewalks, walls, patios, pools decks, pools, and graveled areas. Permeable pavement systems, including pervious concrete, modular block systems, porous asphalt, or grass and gravel pavers, are considered Impervious Surfaces; however, each one square foot of properly installed permeable pavement system will be counted as 0.67 square foot of Impervious Surface. Permeable systems must reduce runoff volume by not less than 45% and must follow the design criteria as defined in Metropolitan Nashville and Davidson County’s green infrastructure practices manual GIP-03. See also Section 4.02(j).

Impervious Surface Ratio. Impervious Surface Ratio (also referred to herein as “ISR”) is a measure of the intensity of the land use, which is determined by dividing the total area of all Impervious Surfaces on a Lot, including Building Cover, by the Lot area. See also Section 4.02(k).

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. See also Section 4.02(a).

Lot(s), Corner: A Lot situated at the junction of two (2) or more streets. Both Yards between the street Right-of-Way and building shall be considered Front Yards. All Yards that are not adjacent to a street shall be considered either Side Yards or Rear Yards, as indicated in Figure 9.03 (b) immediately below.



Lot Width: “Lot Width” means the horizontal distance between side lot lines measured at the minimum required front yard setback line. See also Section 4.02(b).

Guest House(s) / Caretaker Cottage(s): A detached Building to serve as a fully functional independent Dwelling, containing cooking, eating, sanitation, and sleeping facilities, located on the same Lot as, and secondary to, a principal Dwelling thereon. The occupant of the Guest House / Caretaker Cottage shall comply with the definition of “Family” set forth herein above.

16. **Amendment to Section 10.03 Regarding Animal Unit(s) Definition.** The definition of “Animal Unit(s)” and the related Table set forth in Section 10.03 shall be removed from this Sections and inserted as a new Section 3.04(f) as follows:

- (f) **Animals.** The type and number of Animals per acre permitted upon a parcel of land shall be as set forth in the Table below. This maximum per acre capacity

accounts for the carrying capacity of one acre of land related to the amount of feed various species consume and the amount of waste produced.

<u>Type of Livestock</u>	<u>Number of Animals Per Acre</u>
Horses or ponies	One horse or pony for every two and one-half acres.
Cows or calves	2
Hogs	4
Sheep or lambs	7

See also Table 3.02. **Limit new towers.**

17. **Amendment to Section 10.03 Regarding Geotechnical Study Definition.** Except for the first sentence of the definition of Geotechnical Study set forth in Section 10.03, which shall remain as set forth in Paragraph 5 above, the remainder of this definition shall be removed from Section 10.03 and inserted in 6.03(c)(i) as follows:

- (i) **Geotechnical Study.** As part of the building permit application, the applicant shall submit to the City a Geotechnical Study that evaluates site characteristics and recommends design and construction methods that ensure proper and structurally sound soil conditions during and after construction. Each Geotechnical Study shall contain a report or study of a subject property in accordance with the professional standard of care generally practiced by engineers in Middle Tennessee. Each Geotechnical Study shall include, but not be limited to, (i) a review of project needs, (ii) a site investigation of soil properties and characteristics, (iii) a risk assessment, (iv) recommendations for stabilization and related construction practices to reduce the risks of construction, erosion, and slippage as well as to ensure that the proposed construction will not degrade slope stability or pose a threat to the public health, safety and welfare, (v) an engineering report designing and sizing the drainage system and the footings for all Structures in accordance with the best practices in the field, and (vi) a schedule of excavation and construction with an erosion control plan and a schedule of inspections to be completed by the City Engineer or the applicant's engineer. As a condition to receiving a permit, the applicant shall be obligated to adopt the recommendations of such Geotechnical Study. When a building or land disturbance permit does not require issuance of a use and occupancy permit upon completion of the project, the applicant shall provide a performance agreement and performance bond to secure such agreement, if so required by the City Manager in his reasonable discretion. The City Manager or his designee may require additional or special studies where warranted.

Mayor

ATTEST:

City Recorder

Passage:

First Reading:	
Planning Commission Hearing:	
Public Hearing:	
Second and Final Reading:	