

ORDINANCE # 2003-1

AN ORDINANCE TO AMEND THE PRINCIPAL ZONING ORDINANCE OF THE CITY OF MIDDLETON BY REVIZING ARTICLE IV GENERAL PROVISIONS ADDING SECTION 49 SITE PLAN REVIEW.

WHEREAS pursuant to Tennessee Code Annotated Section 13-7-201 through 13-7-204 empowering the City of Middleton to adopt a municipal zoning ordinance and map and provide for its administration and enforcement; and

WHEREAS the Board of Mayor and Aldermen deem it necessary for the purpose of promoting the health, safety, morals, and general welfare of the City to amend said ordinance; and,

WHEREAS pursuant to Tennessee Code Annotated Section 13-7-203 and 13-7-204 the Middleton Municipal Planning Commission has reviewed the following proposed amendment and has recommended such amendment to the Middleton Board of Mayor and Aldermen; and,

WHEREAS pursuant to Tennessee Code Annotated Section 13-7-203 a public hearing was held before this body of which time and place was published with fifteen (15) days advance notice in \_\_\_\_\_; and,

WHEREAS all of the requirements of Tennessee Code Annotated Sections 13-7-201 through 13-7-211 with regards to the amendment of the Middleton Zoning Ordinance by the Planning Commission and subsequent action by the Board of Mayor and Aldermen have been met.

NOW, BE IT THEREFORE ORDAINED by the Board of Mayor and Aldermen of the City of Middleton, Tennessee that the text of the Middleton Zoning Ordinance be revised by making the following changes;

Amending Article IV by adding Section 49 Site Plan Review Requirements as follows:

Section 49. Site Plan Review Requirements. The following procedures and standards

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are established for those sections of this ordinance which require the submission and approval of a site plan prior to the issuance of a building permit or certificate of occupancy for any affected lands, structures, or buildings. Detailed site plans and formal engineering drawings shall only be required for Commercial Development or Subdivision Development, not individual residential site development. Site plans shall be reviewed and approved or disapproved under the following procedures and standards as specified by this ordinance.

49.1 Site Plan Submission and Review. Site plan review is required under three (3) separate instances by the Middleton Municipal Zoning Ordinance. These instances include:

49.11 The review and approval of a site plan by the Middleton City Manager for all single family and two family residential structures and all additions. The City Manager reserves the right to refer any site plan to the appropriate body for additional review. This power of review may include, but not be limited to setbacks, parking location, layouts, and access requirements. This power shall not include the authority to specify or alter the architectural style of proposed or existing buildings.

49.12 The review and approval of a site plan for any Permitted Use by the Middleton Municipal Planning Commission as required by this ordinance. The Planning Commission may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the City. This power of review may include, but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. In addition, this power of review shall include the power to require the dedication of additional right-of-way and the construction of both additional pavement widths and curbs and gutters. This power of review shall not include the authority, to specify or alter the architectural style of proposed or existing buildings.

49.13 The review and approval of a site plan for any Use Permitted as a Special Exception by the Board of Zoning Appeals as required by this ordinance. The Board of Zoning Appeals may require such changes in the presented site plan as may be necessary to minimize the impact of the requested use upon the City. This power of review may include but not be limited to setbacks, screening, lighting, parking location, layouts, access and general landscaping requirements. This power shall not include the authority to specify or alter the architectural style of proposed or

existing buildings.

49.2 Review Procedure – In instances of review of a site plan by either the Middleton City Manager, the Middleton Municipal Planning Commission or the Middleton Municipal Board of Zoning Appeals the following procedures shall apply.

49.21 City Manager Review – In instances of review by the Middleton City Manager, the site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was disapproved.

49.22 Planning Commission Review

49.22.1 The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. When approval has been granted, the site plan shall be signed and dated by the Secretary of the Planning Commission. In instances of disapproval, the applicant shall be notified in writing as to the reasons(s) the site plan was disapproved.

49.22.2 Prior to the regular Planning Commission meeting, copies of the proposed site plan shall be distributed to affected City departments for review of areas under their concern. Once City staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Planning Commission and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

49.23. Board of Zoning Appeals Review

49.23.1 The site plan shall be reviewed in light of the provisions of this ordinance and approved or disapproved. When approval has been granted, the site plan shall be signed and dated by the Chairman of the Board of Zoning Appeals. In instances of disapproval, the applicant shall be notified in writing as to the reason(s) the site plan was

disapproved.

49.23.2 Prior to the scheduled meeting, copies of the proposed site plan shall be distributed to affected City departments to review areas under their responsibility. Once City staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Board of Zoning Appeals and to the applicant at least 24 hours prior to the meeting date. To assist in resolving any potential problems, the owner, developer, or agent shall be required to attend the meeting at which the item is to be heard.

49.3 Contents of the Site Plan

49.31 City Manager Review – In instances where site plan review is required by the City Manager, prior to issuance of a building permit, the owner shall provide the City Manager with information documenting the following (such information does not require scaled or professional engineering drawings):

49.31.1 All property lines and their surveyed distances and courses.

49.31.2 All building restricting lines, setback lines, easements, covenants, reservations and rights-of-way.

49.31.3 Total land area.

49.31.4 Present zoning of site and abutting properties.

49.31.5 Name, address of owner of record and applicant.

49.31.6 Provisions for utilities (water, sewer, etc.)

49.31.7 Location and dimensions of the proposed structures.

49.32 Planning Commission and Board of Zoning Appeals: – In instances where site plan review is required by either the Planning Commission or the Board of Zoning Appeals, the site plan shall be drawn to a scale of not less than 1"= 50' and shall include, at a minimum, the following (review of single or two-family residential

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sites does not require scaled or engineering drawings):

- 49.32.1 Name and address of development.
- 49.32.2 Name and address of the applicant and owner of record.
- 49.32.3 Present zoning of the site and abutting properties.
- 49.32.4 Date, graphic scale, add north point with reference to source of meridian.
- 49.32.5 Courses and distances of center of all streets and all property lines, highway setback lines, property restricting lines, easements, covenants reservations and rights-of-way.
- 49.32.6 The total land area.
- 49.32.7 Topography of the existing ground and paved areas and elevations in relation to mean sea level of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating 2-foot contours and by spot elevation where necessary to indicate flat areas.
- 49.32.8 Certification as to the accuracy of the plan by a licensed architect or engineer.
- 49.32.9 A certificate, with a space for a signature and date, which states that the site plan has been approved by either the Middleton Municipal Planning Commission or the Middleton Municipal Board of Zoning Appeals, which ever is applicable to the type of use that is requested.
- 49.32.10 The location, dimensions, site and height of the following when existing:
  - (a) Sidewalks, streets, alleys, easements and utilities.

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- (b) Buildings and structures.
- (c) Public waste water systems.
- (d) Slopes, terraces and retaining walls.
- (e) Driveways, entrances, exits, parking areas and sidewalks.
- (f) Water mains and fire hydrants.
- (g) Trees and shrubs.
- (h) Recreational areas and swimming pools.
- (i) Natural and artificial water courses.
- (j) Limits of flood plains.

49.32.11 The location, dimensions, site and height of the following when proposed:

- (a) Sidewalks, streets, alleys, easements and utilities.
- (b) Buildings and structures including the front (Street) elevation of proposed buildings.
- (c) Public waste water systems.
- (d) Slopes and terraces, and retaining walls.
- (e) Driveways, entrances, exits, parking areas and sidewalks.
- (f) Water mains and fire hydrants.

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- (g) Trees and shrubs.
- (h) Recreational areas.
- (i) Distances between buildings.
- (j) Estimates of the following when applicable:

- (i) Number of dwelling units.
- (ii) Number of parking spaces.
- (iii) Number of loading spaces.
- (iv) Number of commercial or industrial tenants and employees.
- (v) Plans for collecting storm water and methods of treatment of natural and artificial watercourses including a delineation of limits or flood plains, if any.
- (vi) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving area, and ground floor elevations of proposed building and structures. Proposed topography of the site shall be shown by 2 foot contours.

49.4 Expiration of Approval and Renewal – A site plan approved by the Planning Commission or the Board of Zoning Appeals shall lapse unless a building permit, based thereon, is issued within 1 year from the date of such approval unless an,



extension of time is applied for and granted by the appropriate approving body.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon final reading and upon public notice in a newspaper of general circulation, the public health, safety, and welfare requiring it.

Approved and certified by the Planning Commission

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Chairman

Attest:  
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Secretary of Planning Commission

Approved by the Board of Mayor and Aldermen in final reading:

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Mayor

Attest: -----  
City Recorder

Passed 1st Reading -----

Passed 2nd Reading -----

Passed 3rd Reading -----

Publication -----

(date)