**ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

# AN ORDINANCE AMENDING THE ADMINISTRATIVE SITE PLAN REVIEW OF THE MASON MUNICIPAL ZONING ORDINANCE BY AMENDING LANGUAGE PERTAINING TO SITE PLAN REVIEW

WHEREAS, Section 13-7-201 through 13-7-211 as well as 13-4-310 of the Tennessee Code Annotated empowered the Town to enact the Mason Zoning and provide for its administration, enforcement; and,

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the Town to amend said Ordinance; and,

WHEREAS, the Mason Planning Commission has reviewed said proposed amendment pursuant to Sections 13-7-203 and 13-7-204 of the Tennessee Code Annotated and recommends such amendment to the Mason Board of Mayor and Aldermen; and,

WHEREAS, the Board of Aldermen has given due public notice of hearing on said amendment and has held a public hearing; and,

WHEREAS, all the requirements of Section 13-7-201 through 13-7-211 of the Tennessee Code Annotated. with regard to the amendment of a zoning ordinance and map by the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met.

NOW, THEREFORE, BE IT ORDAINED by the Town of Mason, Tennessee, that the text of the Mason Zoning Ordinance be:

SECTION 1. That the text of the Mason Municipal Zoning Ordinance Article Ill, GENERAL PROVISIONS Section 16 be amended and replaced by the following:

# Section 16. PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW

Before a permit is issued for any permitted use or special exception listed, a site plan of the proposed development shall be reviewed and approved by the Planning Commission for specified developments. Certificates of occupancy requiring utility or parking construction shall require site plan review. The Planning Commission shall have the power to impose conditions regarding the location of the buildings on the site, the location and design of parking and access facilities, fencing and screening, noise abatement, outdoor advertising and other features affecting the character of the area, compatibility of the proposed use with existing nearby uses, as well as for the purposes of traffic circulation, emergency access, utility access, utility maintenance, or refuse collection in relation to the proposed use or adjacent uses.

1. **Administrative Site Plan Review**

(1) Authority

The code administrator or designee shall have the authority to grant administrative site plan approval concurrent with approval of all building, sign, and accessory structure permit applications.

(2*)* Purpose. Administrative Site plan review assures that careful attention is given in site design to compliance with City codes, ordinances, policies, procedures, and resolutions related to land development and building construction.

(3) Initiation. An application for administrative site plan approval may be initiated by the owner or other person having a contractual interest in the property for which site plan approval is requested or by the authorized agent of such owner or other person.

(4) Site Plan requirements

(A) Administrative site plan review and approval shall be required for the following applications regardless of any approval by any other body as provided in this article:

(1) all applications for building permits for new construction or enlargement of commercial, industrial, institutional, or medical developments.

(2) all applications for building permits for new construction or enlargement of multifamily residential or single-family residential attached townhouse developments.

(3) all applications for building permits for new construction or enlargement of two-family, three-family, or four-family residential structures.

(4) all changes of use or applications for building permits involving a change or occupancy that: will increase the need for parking as defined by this article; will require site improvements in accord with this article or other City codes and/or ordinances; or will include voluntarily proposed site improvements as a function of the change of use.

(5) all applications for building permits for additions to residential structures that will increase density.

(6) all applications for building permits for construction or alteration of structures located within areas of special flood hazard in accordance with the requirements of Floodplain Zoning, of this article; and

(7) any other application that the code administrator deems appropriate for administrative site plan review and approval.

(B) At the administrator’s discretion, Planning Commission review and approval shall be required for certain site plans which otherwise qualify for administrative site plan review as described in Section 16 (D)(4). The administrator may exercise such discretion when:

(a) the code administrator determines that the public interest would be better served by requiring Planning Commission review.

(b) an applicant wishes to appeal a condition imposed upon a site plan by staff during the administrative site plan review process; or

(c) the code administrator determines an alternative approach to one or more design standards set forth in the Town of Mason design standards.

1. **Site Plan Review**.

Site plan review is required under three (3) instances by the Zoning Ordinance. These instances include:

Review and approval by the Mason Code Administrator or designee, prior to the issuance of a building permit. See Administrative Plan Review.

Review and approval by the Mason Board of Zoning Appeals prior to the approval of a permitted special exception.

Review and approval by the Mason Planning Commission

* 1. Code Administrator Review
     1. With review by the Mason Code Administrator, or designee prior to the issuance of a building permit, the following procedure shall apply.
        1. Prior to the issuance of a building permit, a site plan shall be submitted to the administrator. The site plan for single-family dwellings shall be reviewed for compliance with the provisions of this section and approved or disapproved. In the instance of disapproval, reasons for such disapproval shall be stated in writing.
  2. Review Procedure
     1. In instances of a review by the Mason Planning Commission or Board of Zoning Appeals as specified by the Mason Zoning Ordinance, the following procedure shall apply:
        1. The owner or developer shall submit four (4) copies of the proposed site plan to the administrator ten (30) days prior to the regular meeting date of the Planning Commission or Board of Zoning Appeals, whichever is applicable. The site plan shall be reviewed in light of the provisions of this Ordinance and the appropriate district regulations and approved or disapproved. The plans then shall be returned to the owner or agent with the date of such approval or disapproval noted thereon over the signature of the Secretary of the Planning Commission or Chairman of the Board of Zoning Appeals, whichever is applicable.
        2. Prior to the regular Planning Commission or Board of Zoning Appeals meeting, whichever is applicable, copies of the proposed site plan will be distributed by the Building Inspector to other affected Town departments and the planning staff to review and approve those areas under their responsibility. A coordinated staff position will be developed for submission to the Planning Commission or Board of Zoning Appeals, whichever is applicable. The owner, developer, or agent will be invited to attend the meeting.
        3. In the instance of disapproval, reasons for such disapproval shall be stated in writing.

1. Contents of the Site Plan for Single Family Development

Construction of Single-Family Dwellings. In instances where the proposed construction is an individual Single-Family Dwelling, the site plan shall include the following:

* 1. All property lines and their surveyed distances and courses, Tax Map and deed references.
  2. All building restriction lines, setback lines, easements, covenants, reservations, and rights-of-way.
  3. Total land area.
  4. Present zoning of site and abutting properties as well as the Limits of floodplains with references to current Flood Insurance Rate Map.
  5. Name, use, address of owner of record and applicant.
  6. Certification as to the accuracy of the plan by a licensed surveyor
  7. Provisions for utilities, water, sewer, etc.

(8} Location and dimensions of the existing and proposed structures.

1. Contents of the Site Plan for Multiple Family. Commercial, and Industrial Development
   1. The site plan shall show the following:
      1. Name of development, address, and proposed use
      2. Name and address of owner of record and the applicant
      3. resent zoning of the site and abutting property
      4. Date, graphic scale, and north point with reference to source of meridian
      5. Courses and distances of center of all streets and all property

lines

* + 1. All building restriction lines, setback lines, easements, covenants, reservations, and rights-of-way.
    2. The total land area
    3. Certification as to the accuracy of the plan by a licensed surveyor, engineer, or architect.
  1. The **Site** Plan shall show the location of the following when existing:
     1. Sidewalks, streets, alleys, easements, and utilities
     2. Building and structures
     3. Public sewer systems
     4. Slopes, terraces and retaining walls
     5. Driveways, entrances, exits, parking areas and sidewalks
     6. Water mains and fire hydrants
     7. Trees and shrubs
     8. Recreational areas and swimming pools
     9. Natural and artificial water courses
     10. Limits of floodplains with references to current Flood Insurance Rate Map
  2. The Site Plan shall show the location, dimensions, site, and height of the following when proposed.
     1. Sidewalks, streets, alleys, easements, and utilities
     2. Buildings and structures including the front street elevation of proposed buildings if the buildings exceed one story in height
     3. Public sewer systems
     4. Slopes, terraces, and retaining walls
     5. Driveways, entrances, exits, parking areas, and sidewalks
     6. Water mains and fire hydrants
     7. Trees and shrubs
     8. Recreational areas
     9. Distances between buildings
     10. Estimates of the following when applicable:
         1. Number of dwelling units or other units
         2. Number of parking spaces
         3. Number of loading spaces
     11. Plans for Collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits or flood plains, if any

(I) Proposed grading, surface drainage terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures

1. In instances where common parking, easements, entrance and egress, are proposed, or other features or requirements imposed by the Town of Mason are shared in the development or use of any properties, such shared or common features shall be shown on the required site plan and shall be included in restrictive covenants and included with such site plan
2. Proposed dumpster pad, if required by Town code or policies
3. Required Public and Private Improvements Installed by Owner/Developer and Surety for these Improvements Secured by Owner/Developer
   1. Necessary action shall be taken by the developer to extend a water supply system capable of providing water use and fire protection. The applicant shall install adequate water facilities, including fire hydrants, subject to construction and material specifications, approval of the Planning Commission, the Tennessee Department of Environment and Conservation and these regulations. Water mains shall not be less than six

(6) inches in diameter. Fire hydrants shall be required to be located no more than five hundred (500) feet apart. However, the Planning Commission may require closer spacing where physical conditions or types of structures so warrant. All underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of parking areas.

* 1. The minimum size of a public sewer line shall be eight (8) inches in diameter for gravity lines and six (6) inches in diameter for forced lines unless approved by the Town of Mason in accordance with Town policies. Existing utility needs and facilities may require additional upgrades. All underground utilities for sewer mains, cleanouts, and all other sewer supply improvements shall be installed before any final paving of parking areas.
  2. Parking areas, loading areas, screening, buffering, and landscaping shall be designed in accordance with the

provisions this Zoning Ordinance or other municipal ordinances. A required parking area under this section, which includes parking spaces, drives and maneuvering lanes, shall be provided with six-inch (6") concrete curbs and twenty-four-inch (24") concrete gutters. The parking area shall be of an asphalt or concrete paved surface and shall be surfaced within six (6) months of the date of completion of building construction. This requirement does not apply to a single-family structure on a single lot.

* 1. Turn-lanes, public street, Private Street, Public/Private Access easement improvements shall be required along such adjacent facilities. The Planning Commission may require the dedication of such facilities to an appropriate governmental authority. Such dedication shall not be deemed acceptance. The Major Road Plan adopted by the Planning Commission, pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code Annotated, showing, among other things, the general location, character, and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways. Turn lanes of ample width, length, and design shall be implemented along any designated Arterial and Collector Streets as guided by the appropriate Major Road Plan or other component of a Plan as described in Tennessee Code Annotated Title 13. Access control along any designated Arterials may be stipulated. Turn lanes may be required along other streets as warranted by site or other existing conditions. Drains, medians, and street signage improvements or installation may be required in existing rights-of-way.
  2. Curbs and gutters shall be required adjacent to public or private streets, along proposed driveways, or along parking areas and shall be either permanent integral type six-inch (6") concrete curbs with twenty-four-inch (24") gutters when there is an existing curb and gutter system in place; standard rolled type concrete curbs and gutters; or other construction approved by the Planning Commission. Only the standard eight-inch (8") curbs and twenty-four-inch (24") gutters shall be permitted on major streets.
  3. Sidewalks will not ordinarily be required, when constructed these shall be located in the street right-of-way with the outside edge coinciding with the right-of-way line or inside an internal parking lot. All sidewalks shall have a main slab of not less than four (4) inches in thickness. For proper drainage

all sidewalks shall have one-fourth an inch (1/4) per foot slope towards the adjacent street. Sidewalks shall have a minimum width of five (5) feet. Alignment with existing public or private facilities may be required.

* 1. Handicap ramps shall be installed at all crosswalks to make the transition from street or parking area to sidewalk easily negotiable for physically handicapped persons in wheelchairs and for others who may have difficulty in making the step up or down from curb level to street level. All sidewalks, curbs, gutters, handicap ramps and driveway aprons shall be constructed of high-quality durable Portland cement concrete. The concrete shall be ready-mixed, air entrained, 4000 lb. concrete. All concrete shall be Class A and shall be placed, cured, and tested in accordance with the *Local Government Public Works Standards and Specifications.*
  2. Stormwater drainage for a proposed development, except in rare occurrences, has the effect of increasing net and peak run-offs. Adequate drainage should provide for these increases. All catch basin grates shall be installed at binder surface grade until surface mix to be installed. At time of

surface mix installation, all grates must be reset to avoid water flooding to downstream drainage systems. The developer shall be prepared to substantiate the basis for any method of drainage prepared by the appropriate licensed professional.

The drainage network shall consist of a wide variety of drainage appurtenances ranging from inlets, manholes, street gutters, existing roadside ditches, and swales to small channels or pipes and stormwater detention/retention facilities, improvements. This system serves to collect the initial stormwater runoff and convey this run-off to properly and professionally designed facilities. Retention and detention ponds shall be designed to limit the rate of runoff from the site and temporarily store the excess volume. The maximum allowable rate of discharge from the developed site shall be no more than would have occurred from a storm of specified frequency prior to site development. Runoff from the discharge design storm shall be computed for pre-development conditions at the site. The volume of any required or necessary stormwater detention facility shall be sufficient to safely store the difference between the allowable discharge rates produced by the actual runoff from the developed site. The actual runoff under post-development conditions shall be computed based on a design frequency for a 24hour duration storm, which varies in accordance with the drainage area above the point of discharge. Detention facilities must be designed to safely pass

the runoff produced by the 1OO-year-24-hour storm under post-development conditions.

* 1. No site plan shall be approved by the Planning Commission until one of the following conditions has been met.
     1. Installation of Required Improvements: All required improvements have been constructed in a satisfactory manner and approved by the appropriate governmental representative.
     2. Security Bond or Other Approved Collateral: The Planning Commission has accepted a security bond, or other approved collateral, in an amount equal to the estimated cost of installation of the required improvements (with consideration given for such factors as inflation and the time of completion), whereby improvements may be made, and utilities installed.
     3. Release or Reduction of Surety Instrument or Performance Bond: The Planning Commission shall not recommend dedication of required public improvements nor shall the Planning Commission release nor reduce a Surety Instrument or Performance Bond until the appropriate governmental representative states or submits a letter stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the Planning Commission and the appropriate governmental representative that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the site. Upon such approval and recommendation, the governing body or private entity responsible for maintenance, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in the Zoning Ordinance, municipal standards, or appropriate utility standards, state, or federal codes, or after appropriate technical references such as *Local Government Public Works Standards and Specifications.*

SECTION 2. Be it further ordained, that this Ordinance shall become effective upon final reading the public welfare so requiring it.

*1st Reading September 21, 2020*

*2nd Reading October 19, 2020*

**3rd Amended and Final Reading** \_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Mayor

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Town Recorder