

ORDINANCE NO. 06-2963

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO CLARIFY THE REQUIREMENTS OF MINIMUM SIDE YARD SETBACK FOR PLANS AND/OR PROJECTS APPROVED BY THE LEBANON PLANNING COMMISSION

WHEREAS, the Lebanon Planning Commission has approved the construction of Planned Unit Development (PUD) projects allowing buildings to be constructed with a minimum five (5) foot setback on the side yards; and

WHEREAS, the installation and construction of buildings on lots with five (5) foot setback requirements presently requires the construction of a one (1) hour firewall on the side of such buildings; and

WHEREAS, the requirement of a one (1) hour firewall on the side of buildings involving the five (5) foot setback requirement will greatly increase the cost of construction and/or lead to buildings which have no door or windows in the side of the buildings, as the use of glass rated for a one (1) hour firewall standard is more expensive than standard window glass; and

WHEREAS, it is important to the health, safety and welfare of the citizens of the City of Lebanon that minimum setback requirements be established for the construction of buildings with side yard setbacks which do not increase the fire protection costs for the City of Lebanon and the use of sprinkler systems will enhance fire safety; and

WHEREAS, the present minimum side yard setback requirement for any residential zone in the City of Lebanon (other than those approved under a Planned Unit Development) is an eight (8) foot setback; and

WHEREAS, the use of a minimum ten (10) foot setback on side yards, which allows twenty (20) foot spacing between buildings, is recognized as a reasonable spacing for fire protection.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. Notwithstanding any other provisions of the Lebanon Municipal Code to the contrary, no plan or specifications or project presented for review to the Lebanon Planning Commission on or after September 1, 2006, including but not limited to projects reviewed for a possible Residential Planned Unit Development (PUD), shall be approved by the Lebanon Planning Commission and/or the Lebanon City Council, with side yard setback requirements of less than ten (10) feet on each side yard, unless the plans for the PUD requires all residential unites spaced closer than twenty (20) feet (eave to eave) to be fully sprinkled by sprinkler systems pursuant to the Lebanon Code, including NFPA 13 R.

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Section 2. This requirement shall not prevent the Lebanon Board of Zoning Appeals to make appropriate adjustment to side yard setback requirements as deemed appropriate under the Lebanon Municipal Code.

Section 3. The setback requirement, as stated above, for a ten (10) foot side yard setbacks between residential structures for all approved plans shall apply to all plans offered for either initial or preliminary approval or request for material modifications or additions to existing plans which are submitted for review to the Lebanon Planning Commission on or after September 1, 2006.

Section 4. This above stated minimum requirement for a ten (10) foot side yard setback (where sprinkler systems are not used) shall not apply to any plans which were properly submitted to the Planning Department on or before September 1, 2006; however, nothing in this Ordinance shall be construed to conflict with the provisions of Ordinance No. 06-2962.

Section 5. Upon final passage of this Ordinance, the Planning Department shall publish a copy of this Ordinance in the local newspaper and/or send notice to any parties to whom this matter shall apply.

Section 6. Notice of Public Hearing was published in the "Wilson Post" on August 11, 2006. A Public Hearing was held at 5:55 p.m. in the City Council Chambers on September 5, 2006.

Section 7. This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

Attest: Hal A. Bittinger Commissioner of Finance & Revenue
Approved: [Signature] Mayor

Approved as to form: [Signature]
City Attorney

Passed first reading: 8/01/06

Passed second reading: 9/05/06

LAW OFFICE OF
WILLIAM E. FARMER

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July 20, 2006

Mr. Andy Wright
City Attorney
200 Castle Height Avenue North
Lebanon, TN 37087

SENT VIA FACSIMILE AND
UNITED STATES MAIL

Re: **Ordinances**

Dear Andy:

Please find enclosed the following:

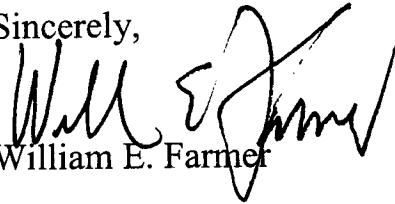
- (1) An Ordinance To Clarify The Requirements Involving One (1) Hour Firewall Construction For Buildings Approved By The Lebanon Planning Commission; and
- (2) An Ordinance To Clarify The Requirements Of Minimum Side Yard Setback For Plans And/Or Projects Approved By The Lebanon Planning Commission.

Please enter these on the agenda for the next Lebanon City Council meeting scheduled for Tuesday, August 1, 2006.

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If you have any questions, do not hesitate to contact my office.

Sincerely,



William E. Farmer

WEF/kjc

cc: Mayor Don Fox (w/encl.)
Commissioner Hal Bittinger (w/encl.)
Councilperson Alex Buhler (w/encl.)
Councilperson Kevin Huddleston (w/encl.)
Councilperson Joe Hayes (w/encl.)
Councilperson Haywood Barry (w/encl.)
Councilperson Kathy Warmath (w/encl.)

Enclosures

c:/city/wright072006

Cost of Publication

\$ 33.00

Proof of Publication

STATE OF TENNESSEE
County of Wilson

Personally appeared before me,

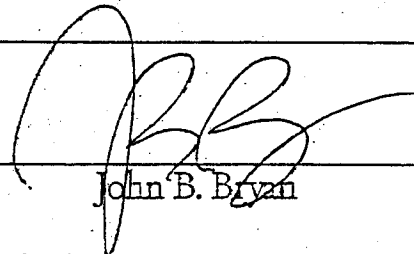
Tabitha Holland

A Notary Public of Wilson County,
Tennessee, JOHN B. BRYAN, who
being first duly sworn, made oath that
he is Publisher of The Wilson Post,
a newspaper, and that the hereto
attached publication appeared in the
same on the following dates:

Aug. 11th, 2006

PUBLIC NOTICE

In reference to Ordinance No. 06-2962 and Ordinance No. 06-2963,
notice is hereby given that the Mayor and City Council of the
City of Lebanon, Tennessee, will hold a public hearing at 5:55 p.m.
on September 5, 2006 in the Council Chambers for the purpose of
discussing and hearing comments from the citizens on the
proposed clarification of the requirements involving one hour
firewall construction for buildings approved by the Lebanon
Planning Commission, and the proposed minimum side yard
setback for plans and/or projects approved by the Lebanon
Planning Commission.



John B. Bryan

Subscribed and sworn to before me on
the date of:

Aug. 22nd, 2006

Tabitha Holland

Notary Public, Tabitha Holland

My commission expires
August 25, 2009

