

ORDINANCE NO. 07-3130

AN ORDINANCE TO AMEND CHAPTER 3 OF THE ZONING ORDINANCE RELATIVE TO ACCESSORY STRUCTURES IN THE RESIDENTIAL ZONING DISTRICTS.

WHEREAS, From time to time it is necessary to review and update the regulations found in the Zoning Ordinance; and

WHEREAS, Concern has been expressed regarding the size and location of some existing accessory structures; and

WHEREAS, Accessory structures are currently permitted in all residential districts subject to specific locational requirements; and

WHEREAS, Staff has met several times to discuss various options regarding the current locational requirements and proposed requirements relative to size of such structures; and

WHEREAS, As part of the Staff discussions, research was performed to find out how other municipalities regulate accessory structures; and

WHEREAS, The specific recommended changes are briefly described in the attached table; and

WHEREAS, the Lebanon Municipal Regional Planning Commission at their January 23, 2007, meeting recommended the following amendments to the Zoning Ordinance relative to accessory structures in the residential zoning districts; and

WHEREAS, the Board of Zoning Appeals at their March 26, 2007 meeting recommended the following amendment to the Zoning Ordinance after requesting additional clarification regarding the number of accessory structures that would be permitted on a single property, the definition of one story and how to address existing accessory structures that do not comply with the proposed requirements.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF LEBANON, TENNESSEE:

Section 1. That pursuant to Title 14, Chapter 12, Lebanon Municipal Code, that the Lebanon Municipal Code, Title 14, Chapter 3, Sections 14-301 (7), 14-302 (7), 14-303 (7), 14-304 (7), 14-305 (5), 14-306 (7), 14-307 (7), 14-308 (7), 14-309 (7), 14-311 (7) and 14-312 (7) relative to the maximum height of structures shall be modified, adding new text where necessary, to state "No accessory structures shall exceed one story in height."

Section 2. That pursuant to Title 14, Chapter 12, Lebanon Municipal Code, that the Lebanon Municipal Code, Title 14, Chapter 3, Section 14-301 (11) relative to the location of accessory buildings shall be deleted in its entirety and replaced with the following:

Accessory Structures

- (a) No more than two accessory structures shall be erected on any lot or parcel. Any and all accessory structures shall comply with other applicable regulations found in this section and elsewhere in the Zoning Ordinance.
- (b) No accessory structure shall be erected in the front yard, as established by the location of the principal structure.
- (c) No accessory structure shall be erected in any required side yard.
- (d) Accessory structures shall be at least ten feet from all lot lines and from any other building on the same lot.
- (e) Any accessory structure not attached to the principal structure shall not be located within 150 feet of the front lot line.
- (f) Notwithstanding any other provisions to the contrary, the maximum size of an accessory structure shall be 600 square feet with a maximum height of one-story.
- (g) The Board of Zoning Appeals may, upon application by the property owner or their appropriate representative, allow an accessory structure larger and/or taller than permitted by these regulations. Such request shall be accompanied by a site plan showing the proposed location of such accessory structure(s). The request shall comply with other applicable regulations found elsewhere in the Zoning Ordinance. The Board of Zoning Appeals shall render their decision based on the size of the lot, location with respect to the principal structure and any structures on adjacent lots and compatibility with surroundings.
- (h) Accessory structures shall not cover more than 30% of any required rear yard.
- (i) On a corner lot adjoining in the rear another lot which is zoned residential, no part of any accessory structure within 25 feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

Section 3. That pursuant to Title 14, Chapter 12, Lebanon Municipal Code, that the Lebanon Municipal Code, Title 14, Chapter 3, Sections 14-302 (11) and 14-303 (11) relative to the location of accessory structures shall be deleted in its entirety and replaced with the following:

Accessory Structures

- (a) No more than two accessory structures shall be erected on any lot or parcel. Any and all accessory structures shall comply with other applicable regulations found in this section and elsewhere in the Zoning Ordinance.
- (b) No accessory structure shall be erected in the front yard, as established by the location of the principal structure.
- (c) No accessory structure shall be erected in any required side yard.
- (d) Accessory structures shall be at least ten feet from all lot lines and from any other building on the same lot.
- (e) Any accessory structure not attached to the principal structure shall not be located within 60 feet of the front lot line.
- (f) Notwithstanding any other provisions to the contrary, the maximum size of an accessory structure shall be 600 square feet with a maximum height of one-story.

- (g) The Board of Zoning Appeals may, upon application by the property owner or their appropriate representative, allow an accessory structure larger and/or taller than permitted by these regulations. Such request shall be accompanied by a site plan showing the proposed location of such accessory structure(s). The request shall comply with other applicable regulations found elsewhere in the Zoning Ordinance. The Board of Zoning Appeals shall render their decision based on the size of the lot, location with respect to the principal structure and any structures on adjacent lots and compatibility with surroundings.
- (h) Accessory structures shall not cover more than 30% of any required rear yard.
- (i) On a corner lot adjoining in the rear another lot which is zoned residential, no part of any accessory structure within 25 feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

Section 4. That pursuant to Title 14, Chapter 12, Lebanon Municipal Code, that the Lebanon Municipal Code, Title 14, Chapter 3, Sections 14-304 (11), 14-305 (7), 14-306 (11), 14-307 (11), 14-308 (11), 14-309 (11), 14-311(11) and 14-312 (11) relative to the location of accessory structures shall be deleted in its entirety and replaced with the following:

Accessory Structures

- (a) No more than two accessory structures shall be erected on any lot or parcel. Any and all accessory structures shall comply with other applicable regulations found in this section and elsewhere in the Zoning Ordinance.
- (b) No accessory structure shall be erected in the front yard, as established by the location of the principal structure.
- (c) No accessory structure shall be erected in any required side yard.
- (d) Accessory structures shall be at least ten feet from all lot lines and from any other building on the same lot.
- (e) Any accessory structure not attached to the principal structure shall not be located within 60 feet of the front lot line.
- (f) Notwithstanding any other provisions to the contrary, the maximum size of an accessory structure shall be 400 square feet with a maximum height of one-story.
- (g) The Board of Zoning Appeals may, upon application by the property owner or their appropriate representative, allow an accessory structure larger and/or taller than permitted by these regulations. Such request shall be accompanied by a site plan showing the proposed location of such accessory structure(s). The request shall comply with other applicable regulations found elsewhere in the Zoning Ordinance. The Board of Zoning Appeals shall render their decision based on the size of the lot, location with respect to the principal structure and any structures on adjacent lots and compatibility with surroundings.
- (h) Accessory structures shall not cover more than 30% of any required rear yard.
- (i) On a corner lot adjoining in the rear another lot which is zoned residential, no part of any accessory structure within 25 feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

Section 5. That pursuant to Title 14, Chapter 12, Lebanon Municipal Code, that the Lebanon Municipal Code, Title 14, Chapter 3, Section 14-310 (11) relative to the location of accessory structures shall be added as follows:

Location of Accessory Structures

- (a) No accessory structure shall be erected in the front yard, as established by the location of the principal structure.
- (b) No accessory structure shall be erected in any required side yard.
- (c) Accessory structures shall be at least ten feet from all lot lines and from any other building on the same lot.
- (d) Any accessory structure not attached to the principal structure shall not be located within 60 feet of the front lot line.
- (e) Notwithstanding any other provisions to the contrary, the maximum size of an accessory structure shall be 400 square feet with a maximum height of one-story.
- (f) The Board of Zoning Appeals may, upon application by the property owner or their appropriate representative, allow an accessory structure larger and/or taller than permitted by these regulations. Such request shall be accompanied by a site plan showing the proposed location of such accessory structure(s). The request shall comply with other applicable regulations found elsewhere in the Zoning Ordinance. The Board of Zoning Appeals shall render their decision based on the size of the lot, location with respect to the principal structure and any structures on adjacent lots and compatibility with surroundings.
- (g) Accessory structures shall not cover more than 30% of any required rear yard.
- (h) On a corner lot adjoining in the rear another lot which is zoned residential, no part of any accessory structure within 25 feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

Section 6. That this ordinance shall take effect on and after its passage.

Notice of Public Hearing was published in the "Wilson Post" on June 1, 2006.

A Public Hearing was held at 5:55 pm in the City Council Chambers on June 19, 2006.

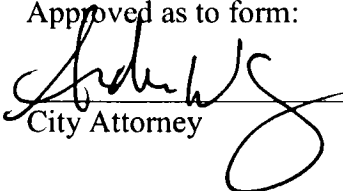
Attest:


Commissioner of Finance & Revenue

Approved:


Mayor

Approved as to form:


City Attorney

Passed first reading: May 15, 2007

Passed second reading: June 19, 2007

Ordinance 07-3130

TO BE PUBLISHED June 1, 2007

PUBLIC NOTICE

In reference to Ordinance No. 07-3130, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 PM on June 19, 2007 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed amendments to Title 14, Chapter 3 relative to accessory structures in residential districts. The Lebanon Municipal Regional Planning Commission recommended this amendment at their January 23, 2007 meeting and the Board of Zoning Appeals recommended this amendment with additional clarification at their March 26, 2007 meeting. The proposed amendments to Title 14 and public hearing are being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the amendment are available for inspection at the following locations: City of Lebanon Mayor's Office and Planning Office at 200 Castle Heights Avenue North.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-2850.

Bill and send proof of publication to City of Lebanon, Mayor's Office, 200 Castle Heights Avenue North, Attn: Debbie Jessen