

ORDINANCE 23-001

AN ORDINANCE AMENDING ARTICLE V, SECTION 5.300.3 AND SECTION 5.300.5A.2. OF THE TOWN OF KINGSTON SPRINGS ZONING ORDINANCE

WHEREAS, the Town of Kingston Springs Board of Commissioners has previously adopted its comprehensive zoning ordinance known as Ordinance No. 84-005, as amended (here in "Zoning Ordinance"); and

WHEREAS, by Ordinance 20-016, the Board of Commissioners amended the Zoning Ordinance to include a Section 5.300 - Mixed Use District Allowed Uses and Form Based Standards; and

WHEREAS, the Town of Kingston Springs Regional Planning Commission has requested that Article V, Section 5.300.3 and 5.300.5A.2. of the Zoning Ordinance be amended to include new provisions related to Neighborhood Preservation Standards and has recommended same for consideration and adoption by the Town of Kingston Springs Board of Commissioners after public notice, hearing, and second and final reading.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF KINGSTON SPRINGS, TENNESSEE, THAT

Article V, Section 5.300.3. of the Town of Kingston Springs Zoning Ordinance shall be amended to include in the Mixed Use Definitions the following definition:

Neighborhood Preservation Standards. Characterized by existing residential and commercial structures that do not meet the requirements of the existing Zoning Ordinance for setbacks and nonconforming use regulations and which were built in 1955 or before and lying within the Downtown Mixed Use District.

BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF KINGSTON SPRINGS, TENNESSEE, THAT

Article V, Section 5.300.5.A.2. of the Town of Kingston Springs Zoning Ordinance shall be amended such that the existing subsection b. shall be deleted in its entirety and replaced with the following:

5.300.5.A.2.b. Within the MU-R portion of the district, the following exemptions and provisions shall apply to nonconforming houses and stand-alone structures or conversions from residential to an allowed commercial use (e.g. offices, restaurants, and small shops) and expansion of accessory uses or additions to existing residential structures, subject to review and approval by the Planning Commission and the Design Review Committee ("D.R.C."). The D.R.C. shall review the conversion plans to ensure the character of the building and the encroachment on the front setback is not increased in width. The exemptions are:

i. Existing nonconforming residential structures within the MU-R constructed in 1955 and before shall apply to the Kingston Springs Regional Planning Commission on a case by case basis to allow encroachments within the front setback areas to construct additions, porches, pergolas, or other accessory uses that do not increase the nonconformity of the front façade noncompliance. Examples include expansion of the width of porches, additions, and pergolas.

This Ordinance shall take effect the later of the date that is 15 days after its passage or upon publication of this Ordinance or its caption, the public welfare demanding it.

Passed First Reading: 2/16/2023

Public Hearing: 3/16/2023

Passed Second Reading: 3/16/2023

Fran A. Gross III
Tony Gross, Mayor

Attest:

Jamie Dupré
Jamie Dupré, Town Recorder

Approved as to Form and Legality:

Martha Brooke Perry
Martha Brooke Perry, Town Attorney