

ORDINANCE NO. 2024-02

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF
FOREST HILLS**

WHEREAS, the City of Forest Hills Planning Commission and City of Forest Hills Board of Commissioners have determined, after experience with the Zoning Ordinance, that adjustments are needed to achieve the desired objectives of the City of Forest Hills; and

WHEREAS, the City of Forest Hills Planning Commission has reviewed and recommended the adoption of this Amendment to the Zoning Ordinance; and

WHEREAS, public notice has been given and a public hearing on this Amendment to the Zoning Ordinance has been held in accordance with T.C.A. §§ 13-7-203 and 204.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FOREST HILLS, TENNESSEE that the Zoning Ordinance for the City of Forest Hills, as codified in Title 14, Chapter 2 of the Municipal Code of the City of Forest Hills is hereby amended as follows:

3.01. General Provisions; Prohibited Uses shall be amended as follows:

For the avoidance of doubt, the following uses of land or property are specifically prohibited: (a) mobile home dwelling, multifamily dwelling, bed and breakfast homestay, and short term rental property or the rental of any amenities located on property or the short term rental of any amenities located on property.

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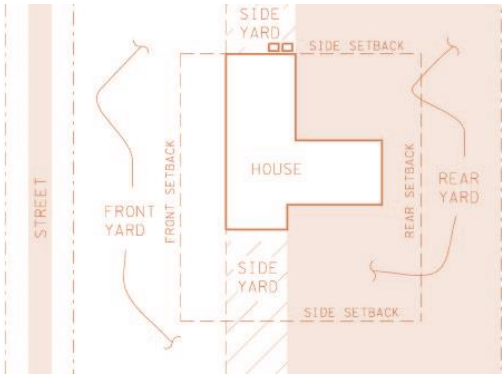
3.04. Certain Accessory Uses.

- (ii) *Fence Required.* All Swimming Pools, together with all mechanical equipment necessary to the operation of the same, shall be enclosed, either by the structural wall ~~or~~ walls of the Dwelling to which it is an accessory, by a Fence or wall that (i) complies with the requirements of Section 4.08 of this Zoning Ordinance, and (ii) is of the type required by the latest edition of the International Residential Code, as adopted by the City of Forest Hills.

4.02. Residential Bulk Standards shall be amended as follows:

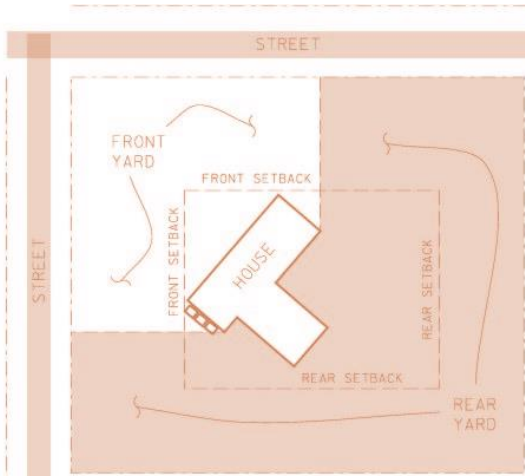
- (f) *Minimum Side Yard Setback.* Minimum side yard setbacks shall be 24 percent of the Lot Width at the minimum front building setback line, as established by Table 4.02, or the stated side setback distance in feet, whichever of the two is greater. Mechanical equipment for the primary structure shall be permitted to have a 5' buffer beyond the setback limit established for the property (as depicted by the small group of squares in illustration #3).

4.02. Residential Bulk Standards Yard Designation Illustration, shall be added as follows:



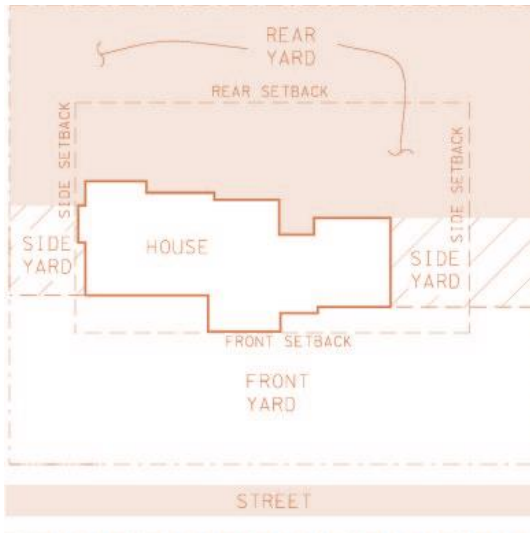
(TYPICAL LOT)

Yard Designation Illustration #3



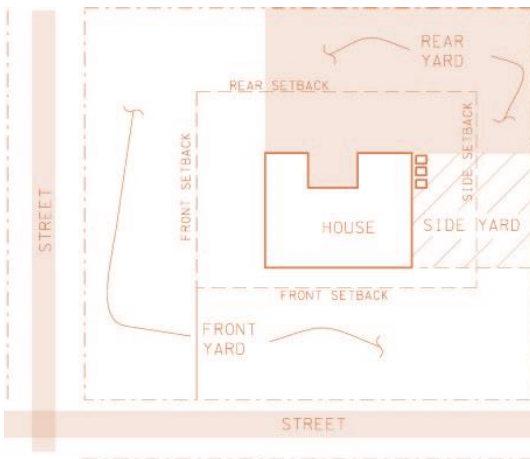
(CORNER LOT)

Yard Designation Illustration #4



(TYPICAL LOT)

Yard Designation Illustration #5



(CORNER LOT)

Yard Designation Illustration #6

4.02. Residential Bulk Standards shall be amended as follows:

- (k) *Impervious Surface*. Impervious Surface is any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, roofs of Buildings or Structures, parking and driveway areas, sidewalks, walls, patios, ~~pool decks, and pools, and graveled areas.~~ Permeable pavement, ~~permeable~~ systems, including pervious concrete, modular block systems, porous asphalt, or grass and gravel pavers, ~~turf, gravel areas, and decks,~~ are considered Impervious Surfaces; however, each one square foot of properly installed permeable pavement system will be counted as 0.67 square foot of Impervious Surface. Permeable systems must reduce runoff volume by not less than 45 percent and must follow the design criteria as defined in Metropolitan Nashville and Davidson County's green infrastructure practices manual GIP-03.

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4.05. Accessory Use and Structure Bulk Standards shall be amended as follows:

All Accessory Uses and Structures shall meet the requirements of this Section.

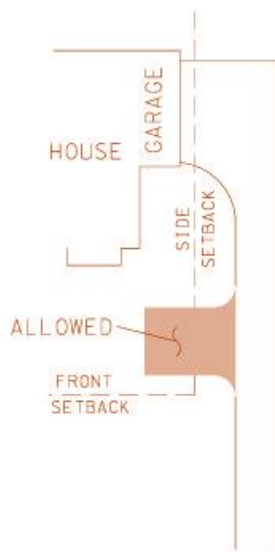
~~(e) Walls or Privacy Fences in compliance with Section 4.08(c)(iii) shall be required for all generators and pool equipment.~~ Landscaping may also be required at the discretion of the City Manager.

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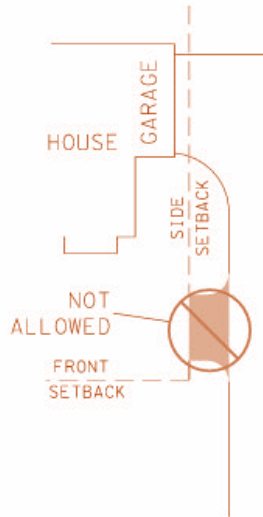
4.07. Driveways, Carports, and Garages shall be added as follows:

- (a)(iii) *Relationship of Driveways and Associated Parking Areas to Setbacks:*
- d. Parking areas as described in Diagram #1 (A) must exceed a minimum of 16 feet into the front setback area to be considered allowable.

DIAGRAM #1:



("A" - ALLOWED)



("B" - NOT ALLOWED)

4.08. Walls, Fences, Gatehouses, Entry Monuments, and Gates shall be amended and added as follows:

- (a) *Provisions Governing Construction, Design, and Location of Retaining Walls.* Retaining walls of any kind, including terraced walls, more than ten feet in height, ~~within the Hillside Protection Overlay District~~ are prohibited. All Retaining Walls exceeding three feet in height, regardless of zoning district, shall comply with the requirements below.

(iii) Prohibitions.

2. No Privacy Fence, solid Fence, or other Fence shall be constructed such that visibility through the Fence is obstructed.
3. Gaps in the Fence must be transparent and be the same or greater than the materials being used to construct the Fence.
- 3.4. Apart from farm Fences as defined by this Ordinance, electrified Fences are prohibited.

(iv) *Exceptions to Provisions Governing Construction, Design, and Location of Fences.*

6. Privacy Fences within height guidelines of this section may only be constructed and used for a barrier around the immediate area for HVAC mechanical equipment, pool equipment, or generators.

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4.09. Lighting shall be amended as follows:

(iii) Approved Materials and Methods of Construction or Installation/Operation.

- (1) Preferred Source. LED (Light Emitting Diode). ~~High-pressure Sodium (HPS) lamps are the preferred illumination source throughout the city; their use is to be encouraged, when not required, for outdoor illumination whenever its use would not be detrimental to the use of the Lot. Low-pressure Sodium (LPS) lamps are an acceptable alternative to HPS lamps.~~

Table 4.09(b) Shielding Requirements.

Fixture Lamp Type	Shielding Requirement
Low Pressure Sodium ¹⁰	Partially
High Pressure Sodium	Fully
Metal Halide ¹¹	Prohibited
Fluorescent ¹²	Fully
Incandescent greater than 160 watt	Fully
Incandescent between 60 and 160 watt (This is the Range I typically used for LED as well).	Partially
Incandescent of 60 watt or less	None
Light source less than 1000 lumens that is not within any category above	None
LED (Light Emitting Diode)	Partially
Other sources	As approved by City Manager

¹² Warm white and natural lamps are preferred to minimize detrimental effects (4000k is the temperature normally used for warm white / natural).

- (iv) (3) photometric data, such as that furnished by manufacturers or similar showing the angle of cut off or light emissions to include Footcandles (Min) and illuminance uniformity Eavg/Emin;
- (4) pole foundation details;
- ~~(5) Ten foot by ten foot footcandle grid plots for multiple fixture installations and an isocandle plot for single fixture installations;~~
- ~~(6) proposed minimum, average and maximum levels and uniformity ratios for multiple fixture installations;~~
- ~~(7)~~(5) description of the method of control of the fixtures, e.g., photocell, timer or motion sensor; and
- ~~(8)~~(6) proposed hours of operation.

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6.02. Floodways and Floodplains; Surface Waters; and Wet Weather Conveyances shall be amended as follows:

Development Standards.

- (i)(4) recommendations for stabilization and related construction practices to reduce the risks of ~~construction~~ ~~constriction~~, erosion, and slippage as well as to ensure that the proposed ~~constriction~~ ~~construction~~ will not degrade slope stability or pose a threat to the public health, safety and welfare.

6.03. Steep Slopes, Hillside Protection and Slippage Soils shall be amended as follows:

- (c)(i) ~~Geotechnical Study. As part of the building permit application, the applicant shall submit to the City a Geotechnical Study that evaluates site characteristics and recommends design and construction methods that ensure proper and structurally sound soil conditions during and after construction. As a condition to receiving a permit, the applicant shall be obligated to adopt the recommendations of such Geotechnical Study. When a building or land disturbance permit does not require issuance of a use and occupancy permit upon completion of the project, the applicant shall provide a performance agreement and performance bond to secure such agreement, if so required by the City Manager in his reasonable discretion. The City Manager or his designee may require additional or special studies where warranted.~~

Geotechnical Study. As part of the building permit application, the applicant shall submit to the City a Geotechnical Study that evaluates site characteristics and recommends design and construction methods that ensure proper and structurally sound soil conditions during and after construction. Each Geotechnical Study shall contain a report or study of a subject property in accordance with the professional standard of care generally practiced by engineers in Middle Tennessee. Each Geotechnical Study shall include, but not be limited to, (1) a review of project needs, (2) a site investigation of soil properties and characteristics, (3) a risk assessment, (4) recommendations for stabilization and related construction practices to reduce the risks of constriction, erosion, and slippage as well as to ensure that the proposed construction will not degrade slope stability or pose a threat to the public health, safety and welfare, (5) an engineering report designing and sizing the drainage system and the footings for all Structures in accordance with the best practices in the field, and (6) a schedule of excavation and construction with an erosion control plan and a schedule of inspections to be completed by the City Engineer or the applicant's engineer. As a condition to receiving a permit, the applicant shall be obligated to adopt the recommendations of such Geotechnical Study. When a building or land disturbance permit does not require issuance of a use and occupancy permit upon completion of the project, the applicant shall provide a performance agreement and performance bond to secure such agreement, if so required by the City Manager in his reasonable discretion. The City Manager or his designee may require additional or special studies where warranted.

6.05. Woodland and Tree Protection shall be amended as follows:

(e) Development Standards

- (1)(b) *Professionally Prepared; Aerial Photography.* Tree inventories may be prepared by a landscape architect, surveyor, arborist, forester, or engineer registered with the State; or aerial photographs, coupled with site photography, may be substituted for the inventory if the photography provides adequate detail in the discretion of the City Manager to assess compliance with this Section. Said aerial photography shall be no older than the most recent aerial photography maintained by ~~the City~~ Metro Nashville.

10.03. Definitions shall be amended as follows:

Accessory Use(s): A use or building customarily incidental and accessory to the principal use of a Lot, building, principal Dwelling or Structure and located upon the same Lot as the principal use and not repetitious thereof. For the purposes of this Zoning Ordinance, Accessory Uses shall include, but shall not be limited to, athletic courts, tennis courts, Swimming Pools, pool houses, Guest Houses and Caretaker Cottages, Accessory Apartments, Stables, barns, ~~and~~ tool or utility sheds, ~~and~~ putting greens.

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Type of Livestock	Number of Animals Per Animal Unit
Horses or ponies	One horse or pony for every two and one-half acres.
Cows or calves	2
Hogs	4
Sheep or lambs	7
Goats	7
Other Poultry	50

Basement: "Basement" means that certain portion of a Dwelling being more than 50 percent underground and at least 42 inches below the finished grade at its most shallow point, as shall be confirmed and further shown on detailed elevations, finished grade and construction plans concerning same. ~~Any living space within a Dwelling not satisfying this criteria constituting a Basement shall be Floor Area and included in the Floor Area Ratio calculation.~~ Basements must be conformed for habitation in compliance with the current building code and have an ingress and egress to be considered part of the FAR (Floor Area Ratio) calculation.

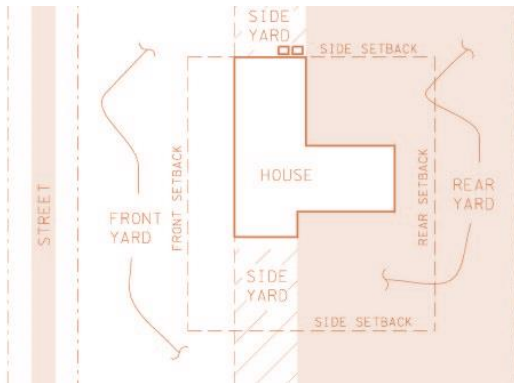
Impervious Surface: Impervious Surface is any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, roofs of Buildings or Structures, parking and driveway areas, sidewalks, walls, patios, ~~pools decks, and pools, and graveled areas.~~ Permeable pavement systems, including pervious concrete, modular block systems, porous asphalt, or grass and gravel pavers, ~~graveled areas, turf, and decks~~ are considered Impervious Surfaces; however, each one square foot of properly installed permeable pavement system will be counted as 0.67 square foot of Impervious Surface. Permeable systems must reduce runoff volume by not less than 45 percent and must follow the design criteria as defined in Metropolitan Nashville and Davidson County's green infrastructure practices manual GIP-03. See also Section 4.02(j).

Privacy Fence: Where the visible unobstructed gap is less than the material being used to construct the fence.

Short Term Rental: Any property that is rented or leased for a period of 3 months or less.

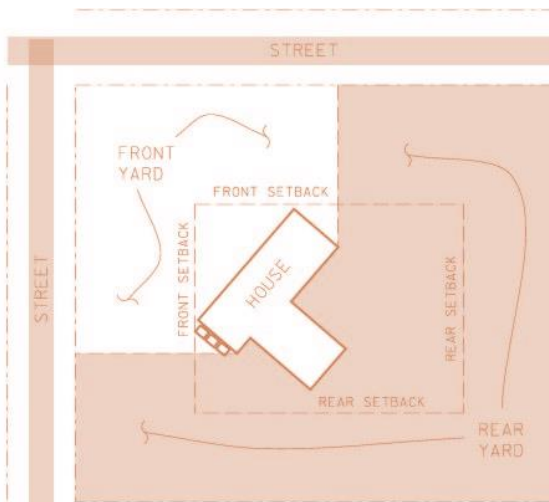
Structure(s): Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground. Structures include, but are not limited to, athletic courts, tennis courts, swimming pools, pool houses, mechanical equipment, pool equipment, generators, and stables.

10.03. Definitions Yard Designation Illustration shall be added as follows:



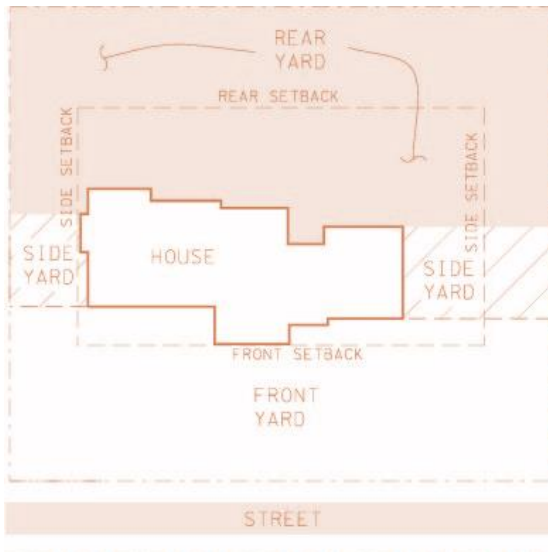
(TYPICAL LOT)

Yard Designation Illustration #3



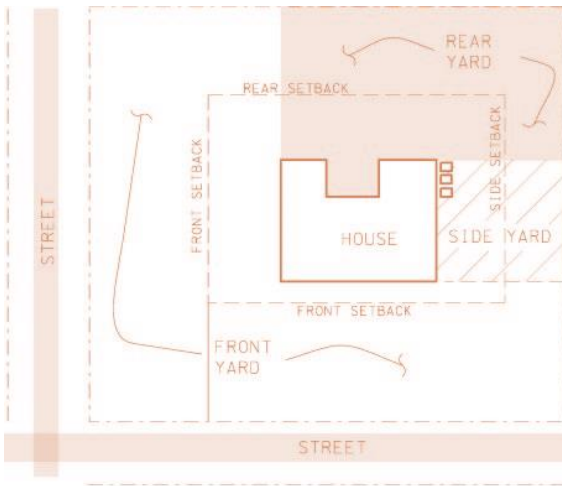
(CORNER LOT)

Yard Designation Illustration #4



(TYPICAL LOT)

Yard Designation Illustration #5



(CORNER LOT)

Yard Designation Illustration #6

Lanson Hyde III / Mayor

ATTEST:

Charlotte Hunter / City Recorder

Passage:

Planning Commission Recommendation: April 18th, 2024

Passed Board of Commissioners (1st): May 16th, 2024

Passed Board of Commissioners (Final): June 20th, 2024

