

Neighborhood Preservation Commission
February 14, 2013
Minutes

A meeting of the Neighborhood Preservation Commission was held on Thursday, February 14 at 5:30 p.m. in Economic and Community Development, Blue Room.

Chairman, David Jackson was present and presiding.

In attendance –LeAnn Byrum, Renee DeGutis, Pattie Kempka, Seth McNamee, Pat Mahoney, Margaret Owens, Cathy Philips, and Jill Sparks

Absent – Allyson Avera

Also in attendance – Joe Nunes – Manager, Neighborhood Services, Sherrye Rhea - Neighborhood Services, and Alderman Greg Marcom

A quorum was established.

Minutes – The January minutes were approved as written.

Chairmen's Comments – David thanked everyone for being at the meeting on Valentine's Day.

Reports

Alderman Greg Marcom Report – Alderman Marcom reported that the State filed a bill to release the municipal schools state wide. He has asked administration for more information. Monday at the BMA meeting there was a vote on the ambulance contract. It was decided that the City of Germantown will not have in-house ambulance service, we will continue with a private vendor.

Race for the Cure will be moving to Collierville next year. The store will continue to be at Carefore Mall just before the race.

The BMA retreat went well. Ambulance service was discussed. Budget is now being prepared. All of the departments are currently submitting their budgets. The flood issue was discussed.

The flood issue with Houston High School football practice fields was raised. It was explained that FEMA puts out amended flood maps approximately every 10 years. There is a ditch that runs between the neighborhood and Houston High School. The ditch had never been studied for flood issues. The ditch was studied for this map and it was decided that it has some flooding characteristics. Certain areas were put into the 100 year flood district. Some of those areas impact approximately 30 houses to the tune of \$3,000 a year flood insurance. They are looking for relief from the city to help mediate the problems. It will cost upwards of 4 million dollars to correct the problem. There are many other flood and drainage projects that have been in the pipeline much longer.

Neighborhood Services Report –Joe Nunes defers his time to the accessory structure ordinance information. Mulch day will be Saturday, March 16. LeAnn would like a flyer to be given out at Mulch Day on mulching. She will bring the flyers to the office.

They have started work on the traffic light at Oakleigh.

Planning Commission – Alderman Marcom reported that the commission had two items on the agenda. One was the redevelopment of Chick-Fil-A which will be torn down and rebuilt. They will be turning it 90 degrees so to get a larger kitchen. There is a small piece of Baptist property that needed to be rezoned from SC1 to C2.

CONA Report – David Jackson reported the meeting last month was well attended. Amy Weirich, District Attorney General, Shelby County spoke. The next meeting will be held March 28, 7 p.m.

Tree Board – There was a meeting on Tuesday. Arbor Day will be held on Friday, March 1, at 8 a.m. at the Kroger on Exeter. Three hundred acacia dogwood trees will be given out and 300 red buds.

Accessory Structure David reported there were two subcommittee meetings. Joe read the changes. (A copy of the changes are filed at the end this document). The next step in the process will be to submit this document to legal for their review. Once legal has approved it then it will go to planning commission for their review. Once it is approved by the planning commission, the document will be sent to the BMA for three readings. After the document has been read for the third and final reading it will become ordinance.

It was suggested to add tents with a time limit that cannot be used as an accessory structure.

Home Tour – Pat Mahoney reported that last year’s Home Tour was a success and we are in the process of collecting sites for this year’s tour. If anyone knows of anyone that would like to show their home please let Pat or Sherrye know. More homes are needed. We have two houses and one landscape. There are two sponsors so far. Memphis Title will be a gold sponsor. The tour will take place on Sunday, April 21 from 2 to 5 p.m. The preview day will be on Saturday, April 20 from 2 to 5 p.m. Margaret has a neighbor that may be interested in the tour.

Unfinished Business - none

New Business – none

Concerns and or comments – Renee asked about the land on north side of Poplar across from Oakleigh. She is concerned as to why there is no work being done and there is a lot of large equipment on the property. Joe explained that the area is the Asylum project. The developer has been asked to redo the plans.

Sherrye announced that the Great Race will be coming through Germantown Wednesday, June 26. They are looking for sponsors. Anyone interested in being on the committee can contact Sherrye.

Sherrye suggested that everyone shop Germantown. Tell your neighbors and tell your friends to shop Germantown. Remember Target is in Germantown and Wal-Mart isn’t.

As there was no other business the meeting was adjourned.

DRAFT ACCESSORY STRUCTURE MATERIAL AMENDMENT 1/31/13 (subcommittee version)

***Accessory building or structure* means any permanently located outdoor construction that is normal and incidental to principal buildings, including, but not limited to the following: detached garage, swing sets, tree house, play fort, fireplace, storage building and pool house. This definition does not include fences.**

***Barn* means a large accessory building used exclusively for the storage of grain, hay and other farm products; and/or the sheltering of livestock or farm equipment.**

Building means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property.

Lot, double frontage means a lot having a frontage on two nonintersecting streets as distinguished from a corner lot.

Structure means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground; shall not include pavement or similar surface treatment.

Sec. 23-162. - Accessory buildings. (RE-10 district)

Accessory buildings/structures and other outdoor accessory constructions and items that are normal and incidental to single-family dwellings; excluding, but not limited to, satellite receiving antennas (covered in section 23-2), basketball goals, temporary lawn game apparatus, decorative items, lawn furniture, birdhouses, decorative garden structures and similar appurtenances, shall be located in compliance with the following:

- (1) No accessory buildings/structures and other outdoor accessory constructions shall extend beyond the front line of the building of the principal building, nor shall they extend into the required side yard between the front and rear lines of the principal building. On corner lots, both sides of the principal building that face the intersecting streets are classified as front lines of the principal building. **Accessory buildings/structures on double frontage lots may be located within the front yard abutting the street on which vehicular access is denied.**
- (2) **Accessory buildings may be built in the required rear yard but shall not occupy more than ten percent of the required rear yard.**
- (3) **Accessory buildings shall not exceed 35 feet in height.**
- (4) **Location:**
 - a. **No accessory building or structure shall be located within a recorded easement.**
 - b. **An accessory building or structure with a height of eight feet or more may extend into the required rear yard, but shall be located a distance equal to at least the height of the structure from the rear and side lot lines.**
 - c. **An accessory building or structure with a height of less than eight feet may extend into the required rear yard, but shall be located a minimum of three feet, six inches from the rear and side lot lines.**
- (5) **Accessory buildings, structures and other accessory items and uses are not allowed on lots that do not have a principal building.**
- (6) **Flagpoles shall be located on any yard, provided that they are located a distance equal to or greater than their own height from the nearest property line. Flagpoles shall not be located within a recorded easement; and shall not exceed 20 feet in height.**

(8) Construction Material and Color:

- a. **accessory buildings greater than 150 square feet in gross floor area shall be constructed in a like manner to the principal building in terms of exterior building (sheathing/siding) and roof materials. The intent of this requirement is not to require an accessory structure to exactly match the principal structure, but to ensure compatibility with the principal structure.**
- b. **Metal and/or plastic are prohibited as primary siding materials for accessory buildings and structures greater than 150 square feet in gross floor area except where metal or plastic is the primary material on the principal structure.**
- c. **accessory buildings greater than 800 square feet in gross floor area shall be submitted for approval from the planning commission of a site plan.**

(Code 1986, § 25-38.10; Ord. No. 1999-16, 12-27-99; Ord. No. 2009-16, 11-9-09)

Sec. 23-187. - Accessory buildings. (RE district)

Accessory buildings/structures and other outdoor accessory constructions and items that are normal and incidental to single-family dwellings; excluding, but not limited to, satellite receiving antennas (covered in section 23-2), basketball goals, temporary lawn game apparatus, decorative items, lawn furniture, birdhouses, decorative garden structures and similar appurtenances, shall be located in compliance with the following:

- (1) No accessory buildings/structures and other outdoor accessory constructions shall extend beyond the front line of the building of the principal building, nor shall they extend into the required side yard between the front and rear lines of the principal building. On corner lots, both sides of the principal building that face the intersecting streets are classified as front lines of the principal building. **Accessory buildings/structures on double frontage lots may be located within the front yard abutting the street on which vehicular access is denied.**
- (2) **Accessory buildings may be built in the required rear yard but shall not occupy more than ten percent of the required rear yard.**
- (3) **Accessory buildings shall not exceed 35 feet in height.**
- (4) **Location:**
 - a. **No accessory building or structure shall be located within a recorded easement.**
 - b. **An accessory building or structure with a height of eight feet or more may extend into the required rear yard, but shall be located a distance equal to at least the height of the structure from the rear and side lot lines.**
 - c. **An accessory building or structure with a height of less than eight feet may extend into the required rear yard, but shall be located a minimum of three feet, six inches from the rear and side lot lines.**
- (5) **Accessory buildings, structures and other accessory items and uses are not allowed on lots that do not have a principal building.**
- (6) **Flagpoles shall be located on any yard, provided that they are located a distance equal to or greater than their own height from the nearest property line. Flagpoles shall not be located within a recorded easement; and shall not exceed 20 feet in height.**

(8) Construction Material and Color:

- a. **accessory buildings greater than 150 square feet in gross floor area shall be constructed in a like manner to the principal building in terms of exterior building (sheathing/siding) and roof materials. The intent of this requirement is not to require an accessory structure to exactly match the principal structure, but to ensure compatibility with the principal structure.**
- b. **Metal and/or plastic are prohibited as primary siding materials for accessory buildings and structures greater than 150 square feet in gross floor area except where metal or plastic is the primary material on the principal structure.**
- c. **accessory buildings greater than 800 square feet in gross floor area shall be submitted for approval from the planning commission of a site plan.**

(Code 1986, § 25-66; Ord. No. 1999-16, 12-27-99; Ord. No. 2002-7, 6-10-02; Ord. No. 2009-16, 11-9-09)

Sec. 23-212. - Accessory buildings. (RE-1 district)

Accessory buildings/structures and other outdoor accessory constructions and items that are normal and incidental to single-family dwellings; excluding, but not limited to, satellite receiving antennas (covered in section 23-2), basketball goals, temporary lawn game apparatus, decorative items, lawn furniture, birdhouses, decorative garden structures and similar appurtenances, shall be located in compliance with the following:

- (1) No accessory buildings/structures and other outdoor accessory constructions shall extend beyond the front line of the building of the principal building, nor shall they extend into the required side yard between the front and rear lines of the principal building. On corner lots, both sides of the principal building that face the intersecting streets are classified as front lines of the principal building. **Accessory buildings/structures on double frontage lots may be located within the front yard abutting the street on which vehicular access is denied.**
- (2) Accessory buildings may be built in the required rear yard but shall not occupy more than ten percent of the required rear yard.
- (3) Accessory buildings shall not exceed 35 feet in height.
- (4) **Location:**
 - a. No accessory building or structure shall be located within a recorded easement.
 - b. An accessory building or structure with a height of eight feet or more may extend into the required rear yard, but shall be located a distance equal to at least the height of the structure from the rear and side lot lines.
 - c. An accessory building or structure with a height of less than eight feet may extend into the required rear yard, but shall be located a minimum of three feet, six inches from the rear and side lot lines.
- (5) Accessory buildings, structures and other accessory items and uses are not allowed on lots that do not have a principal building.
- (6) Accessory structures shall not be used for habitable purposes.**
- (7) Flagpoles shall be located on any yard, provided that they are located a distance equal to or greater than their own height from the nearest property line. Flagpoles shall not be located within a recorded easement; and shall not exceed 20 feet in height.
- (8) Construction Material and Color:**
 - a. accessory buildings greater than 150 square feet in gross floor area shall be constructed in a like manner to the principal building in terms of exterior building (sheathing/siding) and roof materials. The intent of this requirement is not to require an accessory structure to exactly match the principal structure, but to ensure compatibility with the principal structure.**
 - b. Metal and/or plastic are prohibited as primary siding materials for accessory buildings and structures greater than 150 square feet in gross floor area except where metal or plastic is the primary material on the principal structure.**
 - c. accessory buildings greater than 800 square feet in gross floor area shall be submitted for approval from the planning commission of a site plan.**

Sec. 23-236. - Accessory buildings. (R, R-1, R-2 and R-3 districts)

Accessory buildings/structures and other outdoor accessory constructions and items that are normal and incidental to single-family dwellings; excluding, but not limited to, satellite receiving antennas (covered in section 23-2), basketball goals, temporary lawn game apparatus, decorative items, lawn furniture, birdhouses, decorative garden structures and similar appurtenances, shall be located in compliance with the following:

- (1) No accessory buildings/structures and other outdoor accessory constructions shall extend beyond the front line of the building of the principal building, nor shall they extend into the required side yard between the front and rear lines of the principal building. On corner lots, both sides of the principal building that face the intersecting streets are classified as front building lines of the principal building. **Accessory buildings/structures on double frontage lots may be located within the front yard abutting the street on which vehicular access is denied.**
- (2) Location:
 - a. No accessory building or structure shall be located within a recorded easement.
 - b. An accessory building or structure with a height of eight feet or more may extend into the required rear yard, but shall be located a distance equal to at least the height of the structure from the rear and side lot lines.
 - c. An accessory building or structure with a height of less than eight feet may extend into the required rear yard, but shall be located a minimum of three feet, six inches from the rear and side lot lines.
 - d. An accessory building within either the required rear or side yards shall not exceed 14 feet in height.**
- (3) No accessory building shall exceed 20 feet in height.
- (4) Accessory buildings shall not cover more than 25 percent of the required rear yard.
- (5) Accessory buildings, structures and other accessory items and uses are not allowed on lots that do not have a principal building.
- (6) Flagpoles shall be located on any yard, provided that they are located a distance equal to or greater than their own height from the nearest property line. Flagpoles shall not be located within a recorded easement; and shall not exceed 20 feet in height.
- (7) Accessory structures shall not be used for habitable purposes.**
- (8) Construction Material and Color:**
 - a. accessory buildings greater than 150 square feet in gross floor area shall be constructed in a like manner to the principal building in terms of exterior building (sheathing/siding) and roof materials. The intent of this requirement is not to require an accessory structure to exactly match the principal structure, but to ensure compatibility with the principal structure.**
 - b. Metal and/or plastic are prohibited as primary siding materials for accessory buildings and structures greater than 150 square feet in gross floor area except where metal or plastic is the primary material on the principal structure.**
 - c. accessory buildings greater than 500 square feet in gross floor area shall be submitted for approval from the planning commission of a site plan.**