

PROPOSED
4-05

ORDINANCE NO. 303

A ORDINANCE TO AMEND THE ZONING ORDINANCE OF ASHLAND CITY, TENNESSEE BY AMENDING ARTICLE IV, BY DELETING SECTION 4.070 IN ITS ENTIRETY; AND ADDING NEW SECTIONS, 5.060 – 5.100.

Whereas, the Ashland City Council has adopted a Zoning Ordinance to promote the general welfare of the citizens of Ashland City, and,

Whereas, changing conditions and circumstances mandate periodic upgrading and classification of existing laws, including zoning provisions, and

Whereas, certain Zoning Ordinance amendments have been compiled by the Ashland City Regional Planning Commission and recommended to the Ashland City Council for adoption,

Section 1. BE IT RESOLVED BY THE ASHLAND CITY COUNCIL, that Article IV, Section 4.070 be deleting it in its entirety:

Section 2. BE IT RESOLVED BY THE, ASHLAND CITY COUNCIL, that Article V be added as follows:

ARTICLE V

**PLANNED UNIT DEVELOPMENT
REGULATIONS FOR SPECIAL OVERLAY DISTRICTS**

SECTION

- 5.060 Special Overlay District Description and Purpose
- 5.070 General Provisions
- 5.080 Administrative Procedure
- 5.090 RPUD, Residential Planned Unit Development Overlay Districts
- 5.100 CPUD, Commercial Planned Unit Development Overlay Districts

5.060 Special Overlay District Description and Purpose. These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use, and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof.

Planned Unit Development Overlay Districts may overlay any of the following residential and commercial districts:

- | | |
|-----|-----|
| R-1 | C-1 |
| R-2 | C-2 |
| R-3 | |
| R-4 | |

When a Planned Unit Development Overlay District is proposed, permitted uses and density calculations are taken from the underlying base district. However, minimum lot sizes, yards and other dimensional requirements shall be designated by the regulations of the given planned unit development.

5.070 General Provisions

- A. Master Plan Required. No application for PUD zoning shall be considered unless a master plan meeting the requirements set forth in this ordinance.
- B. Ownership and Division of Land. No tract of land may be considered for or approved as a planned development unless such tract is under single ownership. The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered land owners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an approved PUD may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the Planning Commission.
- C. Relationship to Subdivision Regulations. The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility right-of-ways, curbs, and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications may be incorporated only with the approval of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval of the master plan by the Planning Commission.
- D. Development Period, Staging Schedule. The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan.

Within one (1) year after the date of approval, actual construction shall have commenced in such development. In the event that construction has not been started, the Planning Commission may conduct a hearing on the review of the PUD and may proceed to cancel or extend such final master plan depending on the circumstances of each case.

The Planning Commission may permit the development to be constructed in stages so that the completion is achieved in a logical manner. The following provisions shall govern the staging schedule:

- 1. In a residential planned unit development, the ratio of gross floor area of commercial activity to residential activity in the plan as initially approved or amended shall not be exceeded at any given stage of construction.
- 2. Each stage be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the

subsequent stages will not have an adverse impact on the PUD or its surroundings at any stage of the development.

- E. Common Open Space, and Facilities. Any common open space or public facilities shall be subject to the following provisions:
1. The location, shape, size, and character of common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.
 2. Common open space just be suitably improved for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
 3. The Planning Commission may require that the landowner provide for and establish and organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by scale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication by approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.
 4. In the event that the organization established to own and maintain the common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the Building Inspector may serve written notice upon such organization an/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the Building Inspector shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Building Inspector determines that the organization is not prepared for the maintenance of the common open space such agency shall continue maintenance for yearly periods.
 5. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a lien on said properties.

6. If the common open space is deeded to a Homeowners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:
 - a. The Homeowners' Association must be set up before the homes are sold.
 - b. Membership must be mandatory for each home buyer and any successive buyer.
 - c. The open space restrictions must be permanent, not just for a period of years.
 - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - e. Homeowners must pay their prorata share of the cost and the assessment levied by the association can become a lien on the property.
 - f. The association must be able to adjust the assessment to meet changing needs.
 - g. The Municipal-Regional Planning Commission and the Board may, as a condition of approval in accordance with the master development plan, require that suitable areas for streets, public right-of-ways, schools, parks, or other public areas be set aside, improved, and/or dedicated for public use.

5.080 Administrative Procedure. The provisions of this section govern the procedure for approval for all PUDs as provided herein.

- A. Preliminary Approval. Application for preliminary approval shall be made by the landowner of the affected property or his/her authorized agent to the Building Inspector in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall be accompanied by:
 1. The preliminary master plan for the proposed planned unit development shall be a general concept which shall include such items as the Planning Commission by general rule shall specify in order to disclose:
 - a. The location and size of the area involved;
 - b. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas;

- c. Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units;
 - d. Estimated population and density and extent of activities to be allocated to parts of the project;
 - e. Reservation for public uses including schools, parks, and other open spaces;
 - f. Other major landscaping features; and
 - g. The general means of the disposition of sanitary wastes and storm water.
2. A tabulation of the land area to be devoted to various uses and activities and overall densities.
 3. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
 4. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
 5. A stage development schedule, setting forth when the landowner intends to commence construction and a completion period.
 6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.
- B. Zoning Amendment. After review of the preliminary master plan, the Planning Commission shall make recommendations on the amendment to the Board reclassifying the proposed PUD to the appropriate planned unit development overlay district. The request for the zoning amendment submitted to the Board will include the recommended preliminary master plan. A zoning amendment to increase density for residential districts will coincide with the zoning request for a planned unit development overlay district. For example, R-1 property may be rezoned to an R-3 PUD Overlay District in a single action. If the Board approves the amendment, the landowner may submit a final master plan to the Planning Commission, and the Planning Commission is authorized to proceed with all future details of the project.
- C. Application for Final Approval. Upon approval of the preliminary master plan and accompanying zone change, the landowner may make application to the Planning Commission for final approval, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the Planning Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings,

specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission ordinance of preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a nonprofit association shall also be submitted. When appropriate, this application shall contain the stated development schedule.

- D. Final Approval of Stages. The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large planned unit development, in compliance with Section 5.070, D, above.
- E. Final Master Development Plan of a Planned Unit Development. The final master plan of a PUD for the entire development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master development plan receiving preliminary approval plus the following:

The location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; character and location of signs; plans for street improvements; and grading and earth moving plans showing existing and proposed topography. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.

- F. Amendments to the Planned Unit Development. The terms, conditions, and the final master development plan of a PUD may be changed from time to time by official action of the Planning Commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following:

The landowner, the residents and/or owners of or in the PUD may apply to the Planning Commission for an amendment to the master development plan. The Planning Commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, siting, and height of the buildings may be authorized by the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Major changes, as determined by the planning commission, such as changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other major change must be forwarded to the board after the planning commission has made its recommendations.

- G. Subdivision Plat Required. A PUD may be subdivided and sold. When this is to be the case at the time of submission of the final master development plan, a final plat shall also be submitted meeting the requirements for a final plat to be recorded in the office of the Cheatham County Registrar.

When the subdivision includes attached dwellings in either a horizontal or vertical relationship, the final plat shall also contain an "as-built" building and boundary survey showing the complete and accurate dimensions and angles of the boundary of the parcel(s) on which the unit is located. In a

vertical relationship (for example a second floor apartment) the plat must contain a datum plane of other suitable location reference. In meeting this requirement, it is necessary that the upper and lower limits of each level of each dwelling unit be identified specifically in relation to the vertical reference.

- H. Building Reconstruction. In the event a building is substantially damaged or destroyed by fire or natural disaster, such building may be reconstructed in exact compliance with the approved master development plan. No change in any dimension or location shall be permitted without an official amendment approved by the Planning Commission.
- I. Zoning Considerations. When an area is submitted for PUD approval, the Planning Commission in its deliberations shall consider the character of the proposed development in relationship to the surrounding area. No such development shall be approved where the streets providing access cannot handle the additional traffic load nor where the water system is incapable of meeting the fire flow requirements.

The development shall be so planned, designed, and constructed so as to avoid undue traffic congestion in the surrounding area and provide a satisfactory relationship of land use of the PUD with the surrounding area, making use of landscaping, screening, open space, and building placement where required and in keeping with accepted land planning principals.

5.090 RPUD, Residential Planned Unit Development Districts

- A. Permitted Uses. Within an approved RPUD overlay district, the following uses and their accessory structures shall be taken from the underlying base district.
- B. Commercial Activities. In RPUDs of one hundred (100) acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs of the residents, provided that such commercial areas shall not exceed five (5) percent of the total acreage of the RPUD and no individual establishment shall exceed two thousand (2,000) square feet of gross floor area.

All such commercial areas shall meet the following additional requirements:

1. Access from public streets shall be from arterial or collector streets as shown on the most recent major road plan;
2. The building design shall be compatible with the remainder of the RPUD;
3. No outside storage shall be permitted, and trash disposal facilities shall be completely enclosed by walls or materials that compliment all other buildings.
4. Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained at a

minimum of fifteen (15) feet wide which shall not be used for parking and with only driveways crossing said yard. Permanently landscaped side and rear yards at least ten (10) feet side shall also be maintained.

5. All signs advertising the nature or names of the businesses shall be constructed flat against the walls of the building and shall not extend above or beyond any wall of the building. One such sign shall be permitted for each business located therein provided further that such sign shall not exceed thirty (30) square feet in size. All signs shall be either nonilluminated or any lighting must be indirect. Portable signs of any kind are prohibited.
6. Any loading service area shall be in the rear of the building.
7. The Planning Commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.

C. Dimensional Requirement. All RPUDs shall comply with the following areas regulations:

1. Minimum Size
Five (5) acres.
2. Front Yard
 - a. There shall be a front yard setback for all buildings of thirty (30) feet.
 - b. Where the RPUD fronts on a street with other houses on adjacent properties also fronting on such street which have front yards greater than thirty (30) feet, then no building shall be closer to the street line than the minimum setback established by the existing buildings.
3. Periphery Boundary. All buildings shall maintain a minimum setback from the peripheral boundary of the RPUD of not less than thirty (30) feet.
4. Other Yard Requirements. Within the boundary of the RPUD, no yard requirements are established. The Planning Commission shall specify internal yards as part of the approval of the final master development plan based upon the type of buildings and nature of the RPUD.
5. Lot Area and Frontage. In the case of detached dwellings, no lot shall be approved with an area of less than eight thousand (8,000) square feet and a street frontage of less than seventy-five (75) feet at the building setback line.

6. Maximum Height of Buildings. No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

D. Density of Development. The maximum overall density shall be specified in terms of the number of the dwelling units per gross acres of the acreage of the entire development. The maximum density are taken from the underlying base district and shall be as follows:

**Maximum Density
(Dwelling Units per Gross Acre)**

	RPUD containing only single family detached dwellings	RPUD containing duplex dwellings	RPUD containing multi-family dwellings
R-1	2.90	NA	NA
R-2	3.63	NA	NA
R-3	4.35	5.81	8.71
R-4	NA	7.26	14.52

E. Required Improvements. All RPUDs shall comply with the schedule of improvements required in this section.

1. Internal Streets. Within any RPUD, streets may be public or private. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the Homeowners' Associations. Specifications and procedures of the subdivision regulations for a paved street shall apply regardless if the streets are public or private. The following general specifications shall conform to the minimum standards for streets within a Residential PUD:

a. Curb and gutters are required on all streets.

b. Minimum pavement widths shall be as follows:

Collector Street	22 ft.
Minor Street	20 ft.
One-Way Street or Alley	12 ft.

c. Dead-end streets shall be avoided when possible, however, when necessary, dead-end streets shall be provided with adequate turn-around.

d. There shall be a clear delineation between any street (public or private) and parking areas. This can be accomplished by the use of different materials, curbs or other physical separations as appropriate.

2. Off-Street Parking. All automobile storage areas shall be off-street with a minimum of two (2) spaces per dwelling unit. All off-street parking areas shall be paved, marked, and landscaped. Large

expanses of pavement shall not be permitted to dominate a site, and the Planning Commission may require a variety of design and landscaping techniques to achieve this. Parking for other buildings shall be defined in Section 4.010 of this ordinance.

3. **Sidewalks.** Sidewalks are required on at least one side of all streets within RPUDs except for alleys. Sidewalks shall be set back a minimum of five (5) feet behind the street curbs. Sidewalks shall be a minimum of five (5) feet wide and be constructed of concrete, brick, textured pavers, or a combination of these materials, and shall be raised above the adjacent street level. Pedestrian street crossings at intersections may be raised above the adjacent street level as a traffic-calming measure.
4. **Street Lighting.** Street lighting will be considered upon a case by case basis. When required, street lighting shall be decorative.
5. **Utilities.** The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the appropriate approving agency. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed to ensure adequate fire flow is available to protect all buildings and structures.
6. **Waste Disposal.** If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.
7. **Recreation and Open Space.** Recreation uses provided as part of a RPUD may include community buildings, swimming pools, golf courses, tennis courts, playgrounds, and similar activities. Where a RPUD includes multi-family buildings, recreation and open space is required. Where a RPUD contains only single family detached dwellings, only open space is required. In both instances, the amount of land established for permanent usable open space and recreational use shall be a minimum of fifteen (15) percent of the gross acreage.

5.100 CPUD, Commercial Planned Unit Development Districts

- A. **Permitted Uses.** Within an approved CPUD overlay district, the following uses and their accessory structures shall be taken from the underlying base district.
- B. **Dimensional Requirement.** All CPUDs shall comply with the following area regulations:
 1. **Minimum Size**
Two (2) acres.

2. Front Yard. The front setback for buildings shall be forty (40) feet with a permanently landscaped front yard of ten (10) feet exclusively of driveways.
 3. Periphery Boundary. All buildings shall maintain a minimum setback from the peripheral boundary of the CPUD of not less than forty (40) feet. A minimum side and rear yard of ten (10) feet shall be maintained in a permanently landscaped manner.
 4. Other Yard Requirements. Within the boundary of the CPUD, other than the required yard above, no yard requirements are established. The Planning Commission shall specify internal yards as part of the approval of the final master development plan based upon the type of buildings and nature of the CPUD.
 5. Maximum Height of Buildings. No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.
 6. Maximum Lot Coverage. The area occupied by all structures shall not exceed forty (40) percent of the total area of the CPUD.
- C. Required Improvements. All CPUDs shall comply with the schedule of improvements regulated in this section.
1. Internal Streets. Within any CPUD, streets may be public or private. Streets may be privately constructed and maintained by the landowner/developer. Specifications and procedures of the subdivision regulations shall apply regardless if the streets are public or private. The following general specifications shall conform to the minimum standards for streets within a Commercial PUD:
 - a. Curb and gutters are required on all streets.
 - b. Minimum pavement widths shall be as follows:

Collector Street	24 ft.
Minor Street	20 ft.
One-Way Street	12 ft.
 - c. Dead-end streets shall be avoided when possible, however, when necessary, dead-end streets shall be provided with adequate turn-around.
 - d. There shall be a clear delineation between any street (public or private) and parking areas. This can be accomplished by the use of different materials, curbs or other physical separations as appropriate.
 2. Off-Street Parking and Loading. The off-street parking and loading requirements contained in Sections 4.010 and 4.020 shall apply. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to

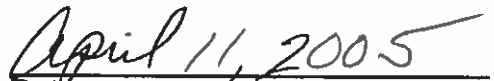
dominate a site, and the Planning Commission may require a variety of design and landscaping techniques to achieve this.

3. **Sidewalks.** Sidewalks are required on at least one side of all streets within CPUDs except for alleys. In commercial areas with small setbacks, it may be appropriate for sidewalks to be adjacent to street curbs. Depending on the type and size of development, the space between sidewalk and street curb will be addressed on a case by case basis. Sidewalks shall be a minimum of five (5) feet wide and be constructed of concrete, brick, textured pavers, or a combination of these materials, and shall be raised above the adjacent street level. Pedestrian street crossings at intersections may be raised above the adjacent street level as a traffic-calming measure.
4. **Utilities.** The development shall be serviced with a public sanitary system or an alternative sewage disposal system approved by the appropriate approving agency. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed to ensure adequate fire flow is available to protect all buildings and structures.
5. **Waste Disposal.** If any central disposal containers are provided, they shall be completely enclosed and screened from view.
6. **Signs.** Signs in CPUDs shall comply with the provisions of Ashland City's Sign Ordinance contained in the Municipal Code, Title 20, Chapter 1.
7. **Landscaping.** At least fifteen (15) percent of the total area of the CPUD shall be landscaped to enhance site appearance. Included in the fifteen (15) percent shall be the front, rear, and side yards of ten (10) feet around the periphery of the CPUD. Yards which directly abut agricultural or residential districts shall be buffered as provided in Section 3.110. The nature of the buffering shall be specified by the Planning Commission as part of the approval of the final master development plan, based on the type of buildings and the nature of the CPUD.

This Ordinance shall take effect 20 days from and after its final passage, the public welfare requiring it.

Recommended by the Ashland City Regional Planning Commission


Ed Nichols, Chairman

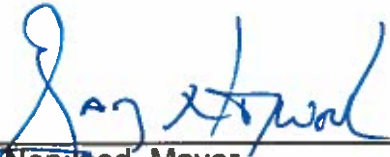

Date

Approved and adopted by the City Council.

1st read 4-12-05
Pub. hearing 5-10-05
2nd reading 5-10-05

5-10-05

Date



Gary Norwood, Mayor



Phyllis Schaeffer, City Recorder