ORDINANCE NO. 2013-5

AN ORDINANCE TO AMEND AND RESTATE THE SIGNAL MOUNTAIN ZONING ORDINANCE, ARTICLE VI, SECTION 613 ENTITLED PLANNED UNIT DEVELOPMENT (PUD).

WHEREAS, pursuant to Article XVIII of the Signal Mountain Zoning Ordinance, standards, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed or repealed; and

WHEREAS, the Signal Mountain Planning Commission has held a public hearing on March 7, 2013, to consider a revision to the Signal Mountain Zoning Ordinance that is consistent with the Land Use Plan adopted by the Town and it has been recommended that the Town Council adopt a new section 613 entitled "Residential Planned Unit Development" which shall take the place of current language in that section in the Zoning Ordinance;

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That Article VI, Section 613 of the Town Zoning Ordinance is amended to delete all the current language from 613.01 through 613.11.08 and substitute in lieu thereof the following language to be entitled "Residential Planned Unit Developments" which shall state as follows:

613. Planned Unit Development

613.01 Purpose

The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is intended to provide the rules and regulations through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded to other districts in this chapter. It is intended to provide a maximum of design freedom in order to

create a better living environment, by making the best use of topography and land features and by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, the flexibility of setback and bulk restrictions and the planned mixing of uses. Through the requirements of a development plan, it is the intent that property under this section will be developed through a unified design providing continuity between the various elements and ultimately leading to a better environment.

613.02 Objectives and Size Requirements

(A) *Objectives.* The Town Council may, upon proper application, adopt a resolution permitting a Planned Unit Development to facilitate the use of flexible techniques of land development and site design by providing relief from requirements designed for conventional developments. In return for greater flexibility in site design requirements, Planned Unit Developments are expected to deliver exceptional quality community designs that:

(1) Preserve environmental resources;

(2) Provide exceptional open space amenities;

(3) Incorporate creative design in the layout of buildings, open space and circulation;

(4) Assure compatibility with surrounding land uses and neighborhood character;

(5) Provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure; and

(6) Facilitate a development pattern more in harmony with the policies and objectives of Town Land Use Plan.

(B) *Minimum Size Requirements.* The minimum required site acreage for a Residential PUD shall be five acres, unless the Town Council finds that one or more of the following conditions exist:

(1) That an unusual physical or topographic feature of importance to the area as a whole exists on the site or in the surrounding area that will contribute to and be protected by the Planned Unit Development;

(2) That the property or the surrounding area has a historic character of importance to the community that will be protected by the Planned Unit Development;

(3) That the proposed Planned Unit Development is adjacent to a previously approved Planned Unit Development and will contribute to the amenities and values of the neighboring Planned Unit Development;

(4) That the Planned Unit Development is located in an area being redeveloped and will implement the policies of an adopted plan, including, but not limited to the Land Use Plan, a specific area plan, or redevelopment plan; or

(5) That due to additional screening, buffering, transitional uses or other design features, the proposed Planned Unit Development would provide better protection to existing or proposed uses of surrounding property that would otherwise be provided by a conventional development.

613.03 Coordination with Zoning Districts.

(A) Residential Planned Unit Developments shall be permitted in all districts.

(B) Planned Unit Developments may be constructed subject to the standards and procedures set forth below:

(1) Except as expressly modified by the Town Council by approval of an Outline Plan, a Planned Unit Development shall be governed by the regulations of the zoning district or districts in which the PUD is located;

(2) Outline Plan approval for the PUD may provide for such exceptions from the zoning district regulations governing use, area, setback, loading, width, setbacks and other bulk regulations, parking, other design features and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Unit Development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a Planned Unit Development; provided, however, no modification of the district requirements or subdivision regulations may be allowed when such proposed modification will result in:

(a) Inadequate or unsafe access to the Planned Unit Development;

(b) Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity;

(c) An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Unit Development;

(d) An undue detrimental effect upon surrounding properties;

(e) A development which will be incompatible with the purposes of this section and goals of the Town's Land Use Plan, design guidelines or other applicable regulations or guidelines.

(3) Such exceptions shall supersede any conflicting subdivision regulations and zoning district restrictions in which the Planned Unit Development is located; provided, however, in no case shall the uses be varied, except as herein provided. All setbacks abutting private properties along the Planned Unit Development shall not be less than those allowed in the zoning district in which the Planned Unit Development is located unless specifically provided for in the Planned Unit Development conditions. In the absence of an express condition of the Planned Unit Development, the applicable ordinances and regulations of the Town will apply.

613.04 Coordination with Subdivision Regulations.

(A) The Planned Unit Development shall comply with the provisions of the subdivision regulations with the exception of those described in (B) below.

(B) The uniqueness of each proposal for a Planned Unit Development requires that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission and New Street Criteria adopted by the Town Council. Modifications to such specifications may be approved only after review by the Planning Commission and approval of the Town Council.

(C) The development plans for Planned Unit Developments must be submitted in a form consistent with the requirements of the subdivision regulations.

(D) The requirements for both this section of this chapter and those of the subdivision regulations shall apply to all Planned Unit Developments and all actions of the Town Council pertaining to Planned Unit Developments shall be made by resolution following a recommendation by the Planning Commission.

613.05 General Standards and Criteria.

(A) The Town Council shall initially approve a PUD by approving an Outline Plan by resolution upon written findings and recommendations of the Planning Commission which shall be forwarded to the Town Council pursuant to the provisions contained in this section.

(B) General review criteria. The following general review criteria shall be used in evaluating requests and establishing conditions for a Planned Unit Development:

(1) *Consistency with plan.* The proposed Planned Unit Development must be in agreement with the adopted Land Use Plan and any adopted Area Plan for the town.

(2) *Physical characteristics of the site and relation to surrounding property.* The tract shall be suitable, or it shall be possible to make the tract suitable for development in the manner proposed without hazard to persons or property, on or off the tract, free from the probability of erosion, subsidence, flood hazard, destruction of wetlands or other dangers.

Conditions of soil, drainage, and topography shall all be appropriate to both type and pattern of use intended.

(3) *Relation to public utilities, facilities and services.* A Planned Unit Development shall be so located in relation to transportation systems, sanitary sewers, emergency services, public safety, water lines, storm and surface drainage systems, and other utilities systems and installations that services can reasonably be expected to be available at the time of development and such services are adequate to serve the proposed development.

(4) *Access to major transportation facilities.* A Planned Unit Development, where appropriate because of the size or density of the proposed development, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed, as to provide access to and from such districts without creating excessive traffic along local streets in residential neighborhoods outside the development.

(5) *Compatibility.* A Planned Unit Development shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as land use, traffic, noise, or lights. Project control shall be accomplished through buffering, architectural design, architectural compatibility, site design, height limitations, land use restrictions, and density limitations.

(a) The design of a Planned Unit Development should reflect an effort by the developer to plan land uses within the Planned Unit Development so as to blend harmoniously with adjacent land uses.

(b) Architecture and building materials shall be consistent within the design of the development and compatible with surrounding properties and/or adjacent neighborhoods.

(6) *Transitions.* A Planned Unit Development district shall be responsive to the character of surrounding properties and the existing neighborhood area. When located in an area where land use types and/or densities vary, the Planned Unit Development shall be designed in such a manner as to provide for gradual changes in density.

(7) *Relationship to adjacent property.* A Planned Unit Development shall include additional screening, buffering, transitional uses or other design features, as necessary, to adequately protect existing or proposed uses of surrounding property, and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.

(8) *Natural and historic features, conservation and preservation areas.* Planned Unit Development districts shall be designed to preserve the natural features of the land and historic resources, such as existing trees, natural topography, and archaeological and historic sites, as much as possible.

(9) *Density.* Density shall not exceed maximums established in the underlying zoning district.

(10) *Height.* The building height of any building shall not exceed thirty-five (35) feet, except that a building may exceed those height regulations provided that for every one (1) foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines, provided, however, that in no event shall the building height of any building exceed forty (40) feet.

(11) *Fences and screening.* Fences or vegetative screening at the periphery of a Planned Unit Development shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of surrounding areas from similar adverse influences. When an adjacent development is of either similar use or density, such screening is not required.

(12) *Environmental Conservation.* Planned Unit Development districts shall provide environmental enhancements, such as Leadership in Energy & Environmental Design (LEED) certification from the U.S. Green Building Council, to promote sustainable building design and construction including but not limited to, sustainable neighborhood development, sustainable site development, green roofs, water savings, energy efficiency, materials selection, and indoor environmental quality.

(C) Homeowner associations or some other responsible party shall be required to maintain all common property and open space and/or common elements, unless accepted by the Town.

613.06 Additional Provisions.

The following general provisions shall apply to any Planned Unit Developments created by resolution by the Town Council:

(A) *Application for Planned Unit Development required.* Each application for a Planned Unit Development shall be submitted in accordance with requirements of these regulations and the requirements set forth in the Subdivision Regulations. Variances to the requirements of both regulations may be granted upon review and recommendation of the Planning Commission and approval by the Town Council.

(B) *Waiver of Board of Zoning Appeals action.* No action of the Board of Zoning Appeals shall be required in the approval of a Planned Unit Development.

(C) *Ownership and division of land.* No tract of land may be considered for or approved as a Planned Unit Development unless such tract is under the single ownership of a landowner. For the purpose of this section, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PUD application for the property or any governmental agency shall be considered landowners for the

purpose of this section. Unless otherwise provided as a condition of approval of the PUD, the landowner of an adopted PUD may divide and transfer parts of such development. The Outline Plan shall control the development of any part of a PUD that is subdivided, sold, or leased. No development may be undertaken in any part of the PUD that is subdivided, sold, or leased that will violate the Outline Plan for the PUD.

(D) *Professional design.*

(1) The Planning Commission shall not consider any development plan for any proposed Planned Unit Development, nor shall the Town Council approve any Outline Plan for a proposed Planned Unit Development unless such proposed plan includes a certification that the services of one or more design professionals were used in the preparation of the Outline Plan in addition to a licensed civil engineer.

(2) An Outline Plan shall be certified that in addition to a licensed civil engineer, the services of one or more of the following professionals were used in the design and planning process:

(a) An urban planner who has the education and experience to qualify for membership in a recognized professional planning association;

(b) A practicing landscape architect licensed by the State of Tennessee;

(c) A practicing architect licensed by the State of Tennessee.

(3) A final site plan or subdivision plat shall certify that the series of one of the professionals indicated in subsections (a), (b) or (c) were used in the preparation of the final plan/plat.

(E) *Phasing, inactive Planned Unit Developments and time extensions.* The expeditious construction of any Planned Unit Development authorized under these provisions shall be undertaken to assist in the assurance of the completion of the development in accordance with the approved Outline Plan and subsequent approved plans.

(1) *Phasing of development.* The Town Council may elect to permit the development of the Planned Unit Development in phases, in which case, the following provisions shall be complied with:

(a) Any phasing of a Planned Unit Development shall be approved by Resolution of the Town Council during the Planned Unit Development review process and shall be sufficient in terms of size and scope in order for the phase to exist as a "stand alone" project, in the event the applicant does not implement subsequent phases of the Planned Unit Development as proposed and approved.

(b) Each phase shall be designed and sequenced to ensure that the impacts of the development upon the surrounding community and properties will not be detrimental or a deterrent to further development of the community and adjacent properties.

(c) The commencement of actual construction of any phase of the Planned Unit Development shall be governed by the provisions of this chapter.

(2) *Inactive Planned Unit Developments.*

(a) If a preliminary subdivision plat or preliminary site plan has not been acted upon by the Planning Commission within one year of the approval by resolution of the Outline Plan by the Town Council; or if a final subdivision plat or final site plan has not been acted upon by the Planning Commission with one year of the approval of the Planning Commission's approval of a preliminary subdivision plat or preliminary site plan; or if the development contract is not approved and executed within three years following final subdivision plat or final site plan approval; or at any time the Planned Unit Development or any phase of the Planned Unit Development has not been developed according to a schedule; the Planning Commission shall give notice by certified mail to the owner and applicant who requested the Planned Unit Development and shall schedule a public hearing to take any of the following actions:

1. Recommend extending, removing, or modifying the schedule for development;

2. Recommend amendments to the Outline Plan;

3. Recommend revocation of the Planned Unit Development; and/or

4. Recommend rezoning of the property to its former zoning classification.

(b) After receiving the Planning Commission's recommendation(s), the Town Council shall hold a public hearing and render a decision.

(3) *Time extension for Outline Plans.* The owner and applicant who requested the Planned Unit Development may request an extension of the Outline Plan in one year increments. Approval of any time extension is at the discretion of the Planning Commission; however, the total time extension shall not exceed two years without re-approval being granted by the Town Council. When considering approval of a time extension, the Planning Commission may recommend the Outline Plan be modified to comply with regulations adopted since the Planned Unit Development was approved and/or to address changes to surrounding properties since the Planned Unit Development was approved.

(F) *Common open space and public facilities*. The requirements of common open space and public facilities shall be in accordance with the provisions of this section.

(1) Common open space must be usable for recreational purposes or must provide visual, aesthetic environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development considering its size, density, expected population, topography and the number and type of structures to be provided.

(2) Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.

(3) The development phasing sequence which is part of the Outline Plan must coordinate the improvements of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a planned residential development, but in no event shall occupancy permits for any phase be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.

(4) No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the planned residential development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes and the existence of public parks or other public recreational facilities in the vicinity.

(5) All land shown on a plan as common open space may be either:

(a) Conveyed to a public body, if the public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or

(b) Conveyed to an organization for ownership and maintenance subject to the following:

1. The Planning Commission and the Town Council may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale 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 the Town of Signal Mountain. It shall be the prerogative of the Town Council whether or not to accept it such space.

2. In the event that the organization established to own and maintain 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 final subdivision plat or final site plan (if required), the Town may serve written notice upon such organization and/or the owners or residents of the Planned Unit Development and hold a public hearing. After 30 days when the deficiencies of maintenance are not corrected, the Town shall call upon all the owners of property within the PUD to maintain the common open space, and, in default thereof, the Town may maintain same;

3. The cost of such maintenance by the Town shall be assessed severally and 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 the properties;

4. If the common open space is deeded to a Homeowners' and/or Property Owners' Association, the developer shall file with the Planning Commission a declaration of covenants and restrictions that will govern the association. Such declaration shall be submitted with the application for preliminary subdivision plan or preliminary site plan approval (if applicable). The Town Attorney will review the documentation as to form prior to Planning Commission approval. The provisions shall include, but not be limited to the following:

   a. The Association must be set up before the properties are sold;

   b. Membership must be mandatory for each 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/property owners must pay their prorated share of the cost of the assessment levied by the association to meet changed needs;

(6) The Planning Commission and the Town Council may, as a condition of approval, require that suitable areas for streets, public rights-of-way, schools, parks and other public areas be set aside, improved and/or dedicated for public use.

(G) *Security requirements for improvements*. Adequate security shall be furnished and filed with the Town of Signal Mountain for private and public improvements in accordance with the applicable provisions of the Subdivision Regulations and Zoning Ordinance. The security shall ensure completion of all improvements, including, but not limited to public site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, planting and screening, as recommended by the Town Engineer.

(H) *Development contract*. After a final subdivision plat or final site plan (if required) is approved by the Planning Commission, the developer, and owner, if different from the developer, must enter into a development contract with the Town of Signal Mountain Town Council relative to all required improvements which shall reference the timing and construction of all required improvements by the developer.

(I) *Relation to utilities and public facilities*. The Planned Unit Development shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. The Planned Unit Development shall be so located with respect to schools, parks, playgrounds and other public facilities required so as to have access in the same degree as would development in a form generally permitted in the area.

(J) *Relation to major transportation facilities*. The Planned Unit Development shall be so located with respect to major streets and highways or other transportation facilities as to provide direct access to such districts without creating traffic along minor streets in residential neighborhoods outside such districts.

(K) *Vehicular movement and standards*. The street design of any PUD shall include a clearly defined hierarchical street system. Streets, drives and parking must provide a safe and convenient access to dwelling units and project facilities and for service and emergency vehicles. Streets will not be laid out as to encourage outside traffic to traverse the development on minor streets or occupy more land than is required to provide access as needed or create unnecessary fragmentation of the development into small tracts. In general, tract sizes shall be the maximum consistent with use, shape of the site and for the convenience and safety of the occupants.

(1) Vehicular access to other streets from off-street parking and service areas shall be combined, limited, located, designed and controlled as to channel traffic to and from such areas conveniently, safely and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruptions.

(2) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PUDs shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

(L) *Pedestrian and Bicycle movement.*

(1) Access for pedestrians and bicyclists shall be arranged to provide safe, convenient routes and need not be limited to the vehicular access points. To the maximum extent feasible, plans for proposed developments shall separate movement of pedestrians from movement of vehicles and bicycles, and protect bicyclists from conflicts with vehicles.

(2) In crosswalks and other areas where complete separation of movement of pedestrians from movement of vehicles and bicycles is not possible, plans shall minimize potential hazards by using special paving, grade separations, pavement parking, signs, striping, bollards, median refuge areas, traffic calming features, landscaping, lighting, or other means to clearly delineate pedestrian areas for both day and night use.

(M) *Comprehensive sign policy.* The developer shall submit a proposed comprehensive signage policy as part of the Planned Unit Development outline plan. The proposed sign policy shall be consistent with the Town's adopted sign ordinance and design guidelines (Title 14, Chapters 4 & 5) and shall be reviewed and approved by the Design Review Commission. The Manual on Uniform Traffic Control Devices shall regulate traffic control signage.

(N) *Site planning.*

(1) Site planning within any PUD shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development, including, but not limited to area storm water management plans, hydrological studies, water and wastewater facilities, streets, noise and other environmental consideration.

(2) All reports and plans shall be submitted to the Town Manager for review and approval and shall be made a part of the final site plan.

(3) Site plans shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities and for the appropriate relation of space, inside and outside buildings to intended uses and structural features.

613.07 Specific Standards and Criteria for Residential Planned Unit Developments.

In addition to the general standards and general provisions set forth above, Residential Planned Unit developments shall comply with the requirements and standards which follow:

(A) *Permitted.* Within the residential Planned Unit Development, the following uses are permitted subject to review of the Planning Commission and approval of the Town Council.

(1) Any permitted use, accessory use or conditional use allowed in any residential district.

(B) *Accessibility of site.* All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.

(C) *Off-street parking.* Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through the use of trees, shrubs, berms and/or hedges and screening walls.

(D) *Privacy.*

(1) The residential Planned Unit Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the residential Planned Unit Development.

(2) Protection and enhancement of property values and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers.

(E) *Setback and bulk requirements.* A residential Planned Unit Development shall not deviate from the setback and bulk requirements of the base residential zoning classification except as approved by the Town Council. A written justification for any deviation from the minimum setback and bulk requirements contained in the base residential zoning classification shall be presented by the applicant to the Planning Commission and Town Council for consideration.

(F) *Design.* The following design standards shall be applied to all single-family dwellings or buildings containing more than one dwelling unit:

(1) *Garages.* Garage fronts shall be de-emphasized and not be the most prominent architectural feature of any dwelling in the development.

(2) *Planned Unit Development Entrance Features* shall comply with the provisions of the Town of Signal Mountain.

613.08 Procedures for Planned Unit Development Approval.

The provisions of this section govern the procedures for approval of all Planned Unit Developments provided herein.

(A) *Pre-application procedures.*

(1) *Pre-application meeting required.* At least two months prior to filing any application for a Planned Unit Development, the prospective applicant shall request a pre-application conference with the Planning Staff for staff review of the proposed residential planned unit development based on the ordinances adopted by the Town.

(2) *Planning Staff to provide comments.* To obtain information, each applicant shall confer with the Planning Staff, Town Manager and relevant department heads in connection with the preparation of the Planned Unit Development application. It shall be the responsibility of the Planning Staff to contact the Town Manager and arrange a joint meeting. The general outlines of the proposal evidenced schematically by sketch plans are to be considered before submission of the Planned Unit Development application. Thereafter, the Planning Staff shall furnish the applicant with written comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his or her preparing the components of the Planned Unit Development application.

(3) *Neighborhood meeting required.* A neighborhood meeting is mandatory prior to the submission of applications for Outline Plan approval of a Planned Unit Development.

(a) The purposed of the neighborhood meeting is to educate owners of nearby lands about the proposed development and application, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible. Neighborhood meetings are encouraged as opportunities for informal communication between owners of nearby lands, applicants, and other residents who may be affected by development proposals.

(b) The neighborhood meeting shall generally comply with the following procedures:

1. *Time and place.* The neighborhood meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application. It shall be scheduled after 5:00 p.m. on a weekday.

2. *Notification.* The applicant shall provide notification of the neighborhood meeting a minimum of ten business days in advance of the meeting by

mail, to all owners and occupants within 500 feet of the land subject to the application, to any neighborhood organization registered with the Town and to the Town Manager. The notification shall state the time and place of the meeting.

3. *Conduct of meetings.* At the neighborhood meeting, the applicant shall explain the development proposal and application, answer any questions, and respond to concerns neighbors have about the application and proposed ways to resolve conflicts.

4. *Written summary of neighborhood record of meeting.* The applicant shall provide to the Town Manager (or his or her designee) a written summary of the neighborhood meeting within five business days of its conclusion. The written summary shall include a list of those in attendance, a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information the applicant deems appropriate. The written summary of the neighborhood meeting shall be included with the application materials, and be made available to the public for inspection.

5. *Response to summary.* Any person in attendance at the neighborhood meeting, within ten business days of the meeting, may submit an additional written summary stating their understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information they deem appropriate. This written summary may include a response to the applicant's written summary of the neighborhood record of meeting. All written summaries of the neighborhood meeting shall be included with the application materials, and shall be made available for public inspection.

(B) *Outline Plan.* An Outline Plan shall be submitted to the Planning Commission with the application for the Planned Unit Development within six months of the pre-application conference and neighborhood meeting. An Outline Plan shall contain all items required by this section and shall include those items that the Planning Commission shall specify in rules published from time to time, as well as the following:

(1) *Written documents.*

(a) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.

(b) A concise statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement shall include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

(c) A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed. If the Planned Unit Development is proposed to be constructed in phases or units during a period extending beyond a single construction season, a development schedule indicating:

1. The approximate date when construction of the project can be expected to begin;

2. The order in which the phases of the project will be built; and

3. The minimum area and the approximate location of common open space and public improvements that will be required at each phase.

(d) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures (except for single-family detached residential structures); approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space; minimum square footage of heated floor space for residential dwelling units; economic feasibility studies or market analysis where necessary and other studies as required by the Planning Commission.

(e) A statement setting forth in detail:

1. Any exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Unit Development; and

2. The bulk regulations under which the Planned Unit Development is proposed.

(f) A tabulation setting forth maximum total land area, expressed in acres and as a percent of the total development area; minimum public and private open space; streets; and off-street parking.

(2) *Site plan and supporting maps*. A site plan and any maps necessary to show the major details of the proposed PUD must contain the following minimum information:

(a) The existing site conditions, including contours at two foot intervals, water courses, flood plains, unique natural features and forest cover;

(b) Proposed lot lines and plot designs;

(c) Architectural graphics including typical floor plans and elevations (an exemption from this requirement may be considered for single-family detached residential uses);

(d) The location and floor size of all existing buildings, structures and other improvements and proposed non-single family detached residential buildings, structures and other improvements, maximum heights, floor area ratios (for non-residential uses), types of dwelling units (for residential uses), density per type (for residential uses);

(e) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, school sites and similar public and semi-public uses;

(f) The existing and proposed circulation system of arterial, collector and local streets, including off-street parking areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, shall be included where appropriate. (Detailed engineering drawings of cross sections and street standards shall be handled in the final site plan stage.) A detailed traffic impact analysis may be required at the discretion of the Town.

(g) Any existing and proposed pedestrian and bicycle circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatments of points of conflict.

(h) The existing and proposed utility systems, including sanitary sewers, storm sewers, water lines and drainage.

(i) A general landscape plan indicating the treatment of materials used for private and common open spaces.

(j) Enough information on land areas adjacent to the proposed PUD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of landscape.

(k) The proposed treatment of the perimeter of the PUD, including materials and techniques used, such as screens, fences and walls.

(l) Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PUD.

(m) The Planning Commission may, in its discretion, modify or waive any of the informational requirements contained in subsections (a) through (l) in order to reasonably adapt these requirements to a particular Planned Unit Development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory to the development staff prior to final site plan approval.

(C) *Outline Plan approval process and effect of approval.*

(1) At least 45 days prior to the Planning Commission meeting at which it is to be considered, the owner of the property or his or her agent shall submit to the Planning Commission the Outline Plan and a completed application form and all other information required under this section. The Planning Commission shall review the application and shall recommend to the Town Council whether to: approve, disapprove or approve the Planned Unit Development, subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next meeting.

(2) Any owner or his or her agent may appeal to the Town Council any recommendation or condition the Planning Commission imposes in the recommendations by filing written notice of appeal at least seven days prior to review by the Town Council. However, the applicant shall submit an Outline Plan to the Town manager incorporating any and all conditions, not appealed, within 90 days after the Planning Commission's decision on the requested PUD or the application shall be deemed withdrawn.

(3) The Town Manager shall forward the recommendation of the Planning Commission and any notices of appeal to the Town Council.

(4) The Town Council shall hold a public hearing on the application for the Planned Unit Development and the Outline Plan after receipt of recommendations from the Town Manager and any notice of appeal. The Town Council shall establish a date for a public hearing and shall cause notice thereof to be published in accordance with law at least 15 days prior to the hearing and shall mail written notice to owners of property within 500 feet of the subject project. The Town Council shall render a decision on any appeal and shall approve, disapprove or approve the proposed Planned Unit Development and Outline Plan subject to conditions and, if approved, shall set forth the conditions imposed.

(5) The approved Outline Plan shall bind the applicant, owner and mortgagee, if any, and the Town of Signal Mountain with respect to the contents of such plan. A preliminary subdivision plat conforming to the Outline Plan shall be provided by the applicant in a form suitable for recording and shall be recorded at the Hamilton County Register of Deeds after receiving approval from the Town Council.

(6) The Outline Plan shall be used in lieu of a Sketch Plan to comply with the provisions of the subdivision regulations pertaining to Sketch Plans.

(7) The Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

(8) Unless as specified otherwise in this chapter, the approved Outline Plan of the Planned Unit Development shall control the development of the PUD rather than any

other provisions of this chapter. In the absence of an express condition of the Planned Unit Development, the applicable ordinances and regulations of the Town will apply.

(D) *Steps of the approval process following Outline Plan approval.* Development plans submitted as part of the Planned Unit Development shall be submitted in a form that will satisfy the requirements of the Subdivision Regulations for subdivision plats or zoning requirements for site plants.

(E) *Application for preliminary subdivision plat/site plan approval.*

(1) After an Outline Plan has been approved, the landowner shall submit an application to the Planning Commission for approval of a preliminary subdivision plat or preliminary site plan, provided that such plats/plans are in substantial compliance with the Outline Plan. The submission of a preliminary subdivision plat or preliminary site plan will be based on the type of development and will follow the applicable requirements and review procedure for a preliminary subdivision plat or preliminary site plan.

(2) The preliminary subdivision plat/site plan application shall include a copy of the Outline Plan showing the overall development, any applicable covenants and/or restrictions, conditions, and other required drawings and specifications as set forth by the approval of the Outline Plan.

(F) *Construction drawings*. The construction drawings for either the entire development or a phase of the development shall be reviewed by the Town Manager and appropriate staff in accordance with the subdivision regulations and the town's stormwater ordinance.

(G) *Application for final subdivision plat/site plan approval.*

(1) After a preliminary subdivision plat/site plan has been approved, the landowner shall submit an application to the Planning Commission for approval of a final subdivision plat or final site plan, provided that such plats/plans are in substantial compliance with the preliminary plat/site plan and the Outline Plan. The submission of a final subdivision plat or final site plan will be based on the type of development and will follow the applicable requirements and review procedure for a final subdivision plat or final site plan.

(2) The final subdivision plat/site plan application conforming to all requirements in the Outline Plan and showing the overall development, any applicable covenants and/or restrictions, conditions, and any other required drawings and specifications set forth in the approved Outline Plan shall be recorded with the Hamilton County Register's office.

(H) *Zoning administration and permits*. The Building Official may issue building permits for the area of the Planned Unit Development covered by an approved final subdivision plat or site plan for work in conformity with an approved final site plan and with all other applicable

Town ordinances and regulations, including but not limited to building, plumbing, mechanical, gas, fire, and electrical codes. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the final subdivision plat or site plan of any stage of the Planned Unit Development unless the open spaces and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowner's Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final subdivision plat or site plan if the completed buildings or structures conform to the requirements of the approved final subdivision plat or site plan and all other applicable Town ordinances and regulations.

(I) *Reapplication if denied.* If any application for a Planned Unit Development is denied by the Town Council, a reapplication pertaining to the same property and requesting the same or substantially similar Planned Unit Development may not be filed within 18 months from the date final action was taken on the previous application, unless such reapplication is initiated by the Planning Commission or authorized by the Town Council.

(J) *Procedure for amendment.*

(1) A Planned Unit Development and the approved Outline Plan may be amended in accordance with the procedure which governed its approval as set forth in this section. However, no such amendment shall be required if the applicant only proposes a modification from what has been previously approved, and such modification is determined by the Planning Staff and the Town Manager as minor. As used in this context the term "minor" shall mean slight variations or alterations to the Outline Plan which cannot reasonably be expected to cause a change in the internal function of the site or its off-site impact. The Planning Staff may recommend that the Town Manager approve minor modifications when same are determined to be consistent with the Outline Plan. A request for a minor modification must be filed with the Town Manager stating the nature of the request and justification for same, as well as a proposed final site plan illustrating the proposed change, which shall be suitable for official recording in the land records of Hamilton County. If the Town Manager or Planning Staff determines the proposed modification is not minor, the applicant may seek an amendment in accordance with the procedure which governed the initial approval as set forth in this section.

(2) If an approved Planned Unit Development is ever subdivided, sold, or leased, all the owners of the subdivided, sold, or leased Planned Unit Development shall jointly apply for an amendment to the Outline Plan, which shall be governed by the procedures and requirements contained in this section for the approval of the Outline Plan as well as current ordinances and regulations.

SECTION 2. That this Ordinance shall become effective after the Town Council conducts a public hearing on this Zoning Amendment with at least fifteen (15) days notice of the time and place of such hearing, as required by T.C.A. § 13-7-203. After such public hearing has been conducted, this Ordinance shall become effective immediately from and after its Final passage as provided by law.

Passed First Reading MARCH 11th, 2013.

Passed Second Reading APRIL 8th, 2013.

MAYOR

RECORDER