

1st READING 1-14-19 pg 310
FINAL READING 1-28-19 pg 332
MINUTE BOOK # 29

ORDINANCE NO: 2019-03

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO ESTABLISH A PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS SUNSET DRIVE PROPERTY “PUD 20” ON PROPERTY DESCRIBED AS TAX MAP 57G GROUP K PARCELS 4.00 THROUGH 9.00, 13.00 THROUGH 19.00 AND A PORTION OF PARCELS DESCRIBED AS TAX MAP 57 G GROUP K PARCELS 2.00, 3.00 AND 20.00 THROUGH 22.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 20; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING FOR PENALTIES; ESTABLISHING LISTS OF PERMITTED USES AND PROHIBITED USES; ESTABLISHING DEVELOPMENT STANDARDS AND PROCESSES AND RELATED REQUIREMENTS; STATING RESPONSIBILITY FOR COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS; PROVIDING FOR ERRORS AND OMISSIONS AND POSSIBLE FUTURE REVISIONS TO THE PUD; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS the City of Cleveland, Tennessee, hereinafter “City”, desires orderly land development in furtherance of the public welfare and has adopted the Planned Unit Development, hereinafter “PUD”, process as an alternative development standard whereby to accomplish such development; and whereas it is intended that the developers of the property or any subsequent owners, shall hereinafter be referred to as “Developers” and; and whereas the City desires to establish a unique zoning district with special use restrictions and development standards for the property described herein through the adoption of this PUD, NOW THEREFORE BE IT ORDAINED:

Section 1. ZONING PLAN AND MAP AMENDMENT.

The zoning plan and map are hereby amended so as to zone the property described in Section 3 herein as “PUD 20” subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 20 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 20 district are those outlined in this ordinance, including requirements for plan approval, and compliance with applicable permitting requirements.

Section 2. VIOLATIONS UNLAWFUL AND SUBJECT TO PENALTIES.

Any development or use of the property described herein in manner contrary to the terms of this ordinance is a zoning violation and is unlawful, subject to the penalties prescribed by the Cleveland Municipal Code and the laws of Tennessee.

Section 3. PROPERTY DESCRIPTION.

PUD 20, Huff Avenue Townhomes (name may be revised during the platting process with approval of the Cleveland Municipal Planning, includes property generally identified as TAX MAP 57G GROUP K PARCELS 4.00 through 9.00, 13.00 through 19.00 and a portion of parcels described as Tax Map 57 G Group K Parcels 2.00, 3.00 and 20.00 through 22.00. More specifically, the property is defined as lot 2 of Revised lots 1 and 2 of A.L. Crane Addition as shown in plat book 34 page 150 in the Bradley County Registers Office and attached below.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

This section is intended to provide a general description of the Huff Avenue Townhomes. It is proposed that the property be developed with uses consistent with the existing R2 uses as described in Section 5 of this ordinance. The general development shall be consistent with the conceptual plan in Exhibit B in terms of layout but the exact location and number of units may be adjusted through the site review or platting process as prescribed in Section 6 herein.

Section 5. PERMITTED USES AND PROHIBITED USES.

5.A. PERMITTED USES

A. Uses permitted within the R2 Low Density Single and Multi-family Residential Zone.

5.B. CONDITIONAL USES

There are no conditional uses within PUD 20.

5.C. PROHIBITED USES

Any use not expressly permitted within this ordinance is not permitted to operate within the boundaries of the PUD 20 Ordinance.

Section 6. DEVELOPMENT PLANS AND RELATED REQUIREMENTS.

6.A. DEVELOPMENT PLANS.

Exhibit B illustrates the conceptual plan for PUD 20 Huff Avenue Townhomes, which was reviewed by the Cleveland Municipal Planning Commission for consideration at their meeting on December 18, 2018, and which provides for general design and development layout. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project.

6.B. PLATS.

One or more plats may need to be prepared for the PUD20 property by the Developer for approval of the Cleveland Municipal Planning Commission in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets or any other public properties; identify lots; and identify easements that are necessary for various purposes within the development such as utilities, access, maintenance, and conservation, etc.

6.C. DETAILED SITE PLANS.

The Developer shall prepare and submit to the City of Cleveland, TN for approval by the Cleveland Development and Engineering Staff a site plan for phase all future phases of development. These site plans shall indicate lot configurations, setbacks, structure types, streets, lanes, sidewalks, common areas, utility locations, etc. The information in the site plan will be congruous with the plat developed for the lots and adjacent public street infrastructure and with the conceptual layout shown in Exhibit B. The content and level of detail of the site plan will be sufficient for City staff to determine compliance of the proposed development with this ordinance and any other applicable City ordinances.

6.D. PRIVATE DEVELOPMENT DOCUMENTS.

The Developer shall prepare and implement such master covenants, restrictions, condominium association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of PUD 20 as permitted herein. It is a requirement of this ordinance that such documents are in place and enforced by the Developer (or Developer's heirs, successors, or assigns) to the extent necessary for PUD 20 to function as described herein. The City of Cleveland assumes no responsibility to review these documents, or to determine their adequacy to these purposes, or to enforce any of their provisions, or to otherwise be a party to them.

Section 7. DEVELOPMENT STANDARDS

The development standards for PUD 20 shall be those established in this ordinance or incorporated herein. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R2 Low Density Single and Multi-family Residential Zoning District for residential areas as described in the City of Cleveland's zoning regulations.

Requirements of the City's adopted building codes, fire codes, stormwater regulations and other ordinances affecting the development, use, and maintenance of property shall apply.

7.A. BUILDING SETBACKS

Unless alternate setbacks are expressly approved by the Planning Commission no residential structure shall be located less than 15' from any property line adjoining Huff Avenue SW, Phillips Street SW or Parker St SW. Minimum setbacks from any new public right-of-way shall also be 15' from the front property line, however a side street setback may be as close as 12' when there is no parking or front door adjoining that property line. Maximum setbacks from all property lines adjoining a public right-of-way

shall be 30 feet from the property line or edge of pavement whichever is greater. Townhome style units are permitted with a zero-foot setback between units, however end units shall maintain a 7 foot side separation between buildings within the PUD boundary. All other setbacks shall be a minimum of 10 feet.

Accessory structures may be within 5 feet from the side or rear setbacks but in no case shall they be any closer to the front setback than the front of any building.

7.B. STORMWATER REQUIREMENTS.

All improvements must comply with any applicable state or federal law or regulation concerning stormwater or floodplain requirements.

7C. SIGNAGE

No part of any sign shall be within 5' of any right-of-way. No more than one (1) ground sign may be permitted and it shall be limited to monument style signage with no LED messaging permitted and is limited to 21 square feet of sign face. No sign shall be located in such a way as to obstruct the view of traffic or create any safety hazard and is subject to approval of the City's Transportation Engineer. All other standards within the City's sign ordinance shall apply unless in direct conflict with this ordinance in which case this ordinance shall prevail.

7.D. ACCESS

In no circumstance shall any driveways be constructed to provide access directly from Huff Avenue SW, Phillips St W or Parker St SW. A new roadway with a 35' right-of-way shall provide access to parking areas for all units in the residential area. All building fronts shall be facing the public right-of-ways and rear loading parking for all existing roads. A two-foot grass strip shall be provided between the parking areas of each unit as shown in Exhibit B.

7.E BUFFERING AND OPEN SPACE

A buffering area shall be provided for areas adjoining single family residential and provided at a minimum to the standards described within section 3.3 of the Cleveland Zoning Ordinance. In addition to any necessary detention areas, a minimum of 2 community lots shall be provided for to afford recreational opportunities to the residents of the development.

7.F. MISCELLANEOUS STANDARDS

Impervious areas shall comprise no more than 75% of the total site, regardless of any division of land, within the boundaries of PUD 20 and a minimum of 25% of greenspace shall be provided.

Parking for any residential development shall be provided on each individual lot at a rate not less than 2.3 parking space per residential unit.

Density standards shall be calculated using the size of the entire property and permitted at a rate as allowed within the R3 Multi-family Residential Zone.

All residential structures shall have a minimum of 25% brick or stone on the front façade facing any public right-of-way.

Section 8. COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS.

The Developer, and its assigns or successors in title, is responsible for obtaining all federal, state, and local permits required for the construction of the proposed PUD 20. The Developer and its assigns or successors in title shall carry out the construction on the project site in compliance with all applicable ordinances of the City of Cleveland, Tennessee, and also in compliance with applicable federal and state laws. Buildings shall be designed and constructed in accordance with adopted building codes and shall not be occupied until final inspections are complete and certificates of occupancy have been issued (permission for limited use of building after substantial completion by the City's Building Official). Failure to develop, use, or maintain the subject property other than in conformity with all of the requirements of this ordinance is unlawful and shall be deemed a violation of the City's zoning ordinance and a nuisance subject to the penalties described in the zoning ordinance and any increased fine as may be allowed by state law.

Section 9. ERRORS, OMISSIONS, AND POSSIBLE FUTURE REVISIONS TO THE PUD.

This ordinance may be amended from time to time as necessary after review by the Planning Commission and approval by the City Council subsequent to a public hearing. Where this ordinance contemplates the future approval of a detailed site plan, or the future approval of a plat by the Cleveland Municipal Planning Commission, and where this ordinance contemplates the future refinement of plans to conform with permitting requirements or conditions of approval necessitated by staff review, and where the Developer and the City of Cleveland may enter into future agreements regarding possible public facilities, infrastructure, and/or services within PUD 20, an amendment to this ordinance is not required to implement such site plan, plat, or refinement to plans necessitated by permitting or review requirements, or agreement pertaining to public facilities, infrastructure, or services.

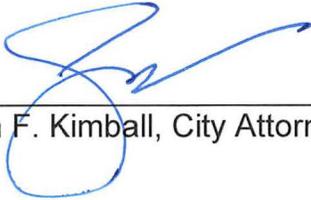
Section 10. BINDING UPON OTHERS.

This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD20 zoning district and is binding upon City's regulation of these activities in this location. Moreover, it shall be the duty of the Developer to ensure compliance with all terms of this ordinance affecting construction or maintenance. Wherever this ordinance establishes a duty, responsibility, or right for the Developer, the term "Developer" is intended to encompass the current owner of record, any heirs, assigns, or successors in title, or any owners of record of the subject property as of the effective date of this ordinance and their heirs, assigns, or successors in title. The term "Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Where this ordinance is in conflict with existing ordinances with respect to the development of this property the terms of this ordinance shall prevail unless stated otherwise herein. In the event that any portion of this ordinance is determined to be invalid by any court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect. This ordinance shall take effect upon after passage and upon the execution of the development order as described above, the public convenience and necessity requiring it.

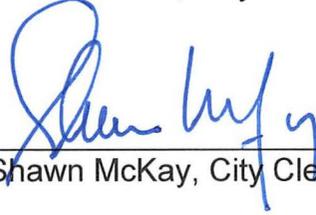
APPROVED AS TO FORM:



John F. Kimball, City Attorney



Kevin Brooks, Mayor



Shawn McKay, City Clerk

Exhibit A

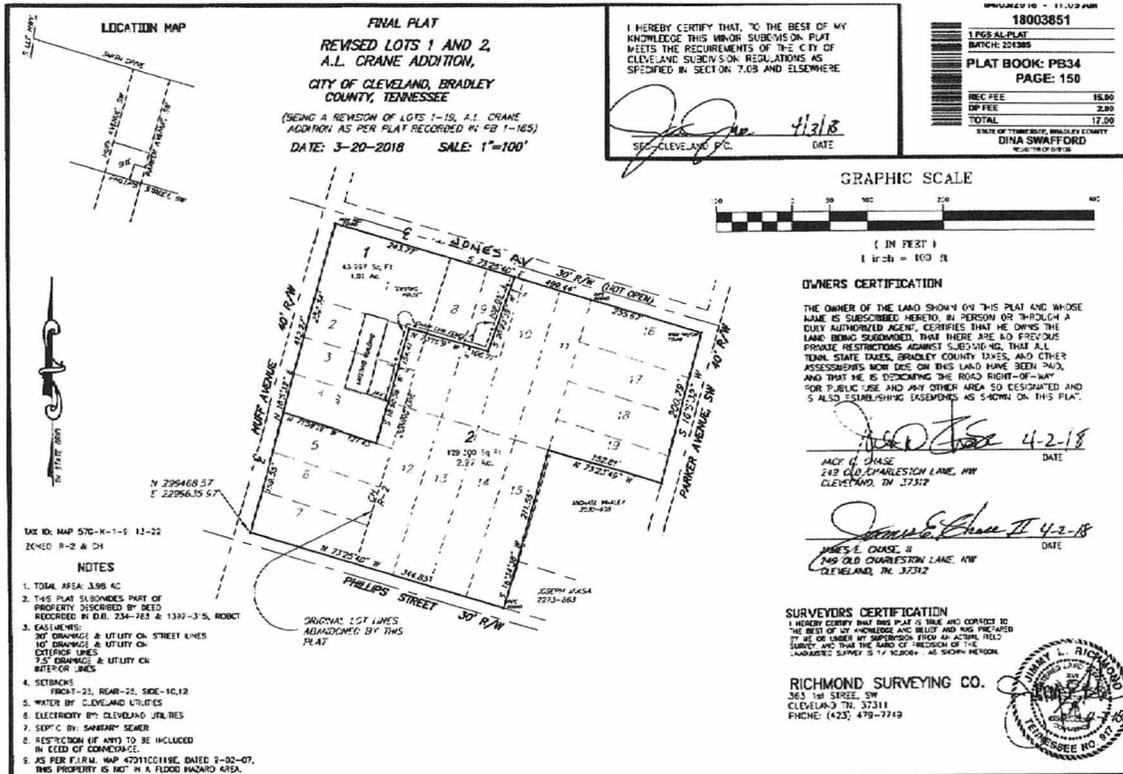


Exhibit B

