

ZONING ORDINANCE 2023-24

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 SO AS TO ESTABLISH A PLANNED UNIT OF DEVELOPMENT (PUD) TO BE KNOWN AS PEERLESS ROAD CHURCH OF GOD "PUD 45" ON PROPERTY DESCRIBED AS TAX MAP 041E GROUP C PARCELS 006.00, 007.00, 013.00, 014.00, 015.00, AND 016.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 45; 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 an development standards for the property described herein through the adoption of the PUD, NOW THEREFORE E 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 45" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 45 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 45 district are 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 a 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 45, Peerless Road Church of God (name may be revised during the platting process with approval of the Cleveland Municipal Planning Commission) includes property generally identified as Tax Map 041E Group C Parcels 006.00, 007.00, 013.00, 014.00,

015.00, and 016.00. Exhibit A illustrates the overall Peerless Road Church of God Conceptual Plan for the subject property.

Section 4. GENERAL PROJECT DESCRIPTION AND DEVELOPMENT DENSITY.

This section is intended to provide a general description of the Peerless Road Church of God Development. The project consists of a church facility and associated structures that support the function of the church. The developer shall include any permanent retention or detention pond areas or landscaped common areas.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 45 development allows for the existing Church facility and associated uses. Such uses include professional office, child day care, residential uses consistent with current standards associated with the activities of the Church. Other amenities such as a clubhouse, park shelters, benches, or tables, are allowed on the property and will be reviewed by the Planning Director for consistency with the approved plan. Nothing herein should be construed as prohibiting the Church membership from making further refinements to the development plan of PUD 45 that would further restrict the allowable uses within a particular part of the development or from excluding a particular use from the development altogether through the operation of private restrictions or covenants. The location of residential uses within the PUD will be minimal and serve as a function of the Church related activities.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (exhibit A) for PUD 45, Peerless Road Church of God Development, was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on June 20th, 2023. The conceptual plan consists of a survey of the existing lots and the abandonment of each lot line to create one seamless lot. However additional drawings, documents, and permits routinely required for development are expected for review and approval prior to construction. All development within PUD 45 must be consistent with this conceptual plan with regard to development standards and general layout unless subsequently modified by agreement of the Cleveland Municipal Planning Commission.

Other variations may include the width or alignment of driveways, or the precise placement of buildings, but these will be generally consistent with the conceptual plan, mutually consistent with one another, and not violate any features of this ordinance as these relate to adjoining properties and infrastructure (e.g., external intersection locations, buffers with external properties, etc.).

6.B. PLATS.

One or more plats will be prepared for the PUD 45 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plat(s) will describe and dedicate public streets and 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. These plats shall be consistent in general layout with the conceptual site plan.

6.C. PRIVATE DEVELOPMENT DOCUMENTS.

The Developer shall prepare and implement such master covenants, restrictions, homeowner association documents, common area agreements, and the like which the Developer determine are necessary to carry out the development of PUD 45 as envisioned 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 45 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 45 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the PI Professional Institutional District, from the City of Cleveland's zoning regulations.

A monument style ground sign may be installed at the primary entrance to the site. The ground sign may contain a LED Electronic reader board not to exceed 60 square feet. Landscaping, where acceptable, must be installed to screen the LED sign from off-site residential structures. If a LED Electronic Reader board is utilized, it will be turned off between the hours of 10:00pm and 7:00am as to not impact residential areas surrounding the property. All landscaping areas will be approved by the Director of Planning and Community Development.

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. All stormwater detention/retention areas will be screened from the public ROW.

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 45 Peerless Road Church of God development. 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. Building 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 site plan or the future approval of a play 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 45, an amendment to this ordinance is not required to implement such detailed block plan, site plan, or agreement pertaining to public facilities, infrastructure, or services. If the overall development layout differs greater than 20% from the site plan shown in exhibit A, then a revised conceptual plan must be reviewed by the Cleveland Municipal Planning Commission.

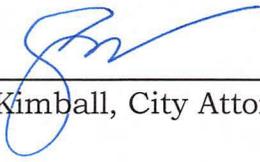
Section 10. BINDING UPON OTHERS.

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 PUD 45 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 "Trustees of the Church of God Property" or 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 ordinance with respect to the development of this property the terms of this ordinance shall prevail unless state 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.

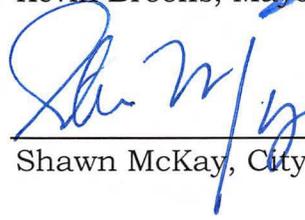
APPROVED AS TO FORM:



John F. Kimball, City Attorney



Kevin Brooks, Mayor



Shawn McKay, City Clerk