

ZONING ORDINANCE 2023-50

AN ORDINANCE OF THE OF THE CITY OF CLEVELAND, TENNESSEE AMENDING THE CLEVELAND MUNICIPAL CODE TITLE 14 CHAPTER 2 TO ESTABLISH A PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT KNOWN AS "PUD 47" ON CERTAIN PROPERTY LOCATED NEAR LEGACY PARKWAY (TAX MAP 041 PARCEL 005.30) AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 47; MAKING VIOLATIONS OF THE ORDINANCE UNLAWFUL AND PROVIDING FOR PENALTIES; ESTABLISHING A LIST OF PERMITTED USES; ESTABLISHING CONDITIONS FOR MITIGATION OF NOISE AND VIBRATION; ESTABLISHING SITE PLAN REQUIREMENTS; ESTABLISHING REQUIREMENTS FOR TRAFFIC CIRCULATION ON AND ADJACENT TO THE SITE AND PARKING, FIRE LANES, AND SERVICE AND DELIVERY VEHICLES; ESTABLISHING REQUIREMENTS FOR IMPERVIOUS AREAS, STORMWATER MANAGEMENT, LANDSCAPING, TREE PRESERVATION, BUFFERING, LIGHTING; ESTABLISHING REQUIREMENTS FOR GENERAL APPEARANCE, SIGNAGE AND OUTDOOR DISPLAYS; ESTABLISHING REQUIREMENTS FOR LITTER AND SOLID WASTE CONTROL AND DRAINAGE STRUCTURE MAINTENANCE; STATING RESPONSIBILITY FOR COMPLIANCE WITH OTHER APPLICABLE LAWS AND PERMITTING REQUIREMENTS; REQUIRING PROPER SUBDIVISION AND SITE PLANNING; REQUIRING A PUD DEVELOPMENT PLAN; PROVIDING FOR TIME LIMITS AND POSSIBLE REVERSION TO THE FORMER ZONING CLASSIFICATION; PROVIDING FOR ERRORS AND OMISSIONS AND POSSIBLE FUTURE REVISIONS TO THE PUD; COMMUNICATING THE BINDING EFFECT OF THE ORDINANCE UPON OTHERS; 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; 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 2 herein as “PUD 47” subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 47 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for PUD 47 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 47, Legacy Parkway Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning) includes property generally identified as Tax Map 041 Parcel 005.30. Exhibit A illustrates the overall Legacy Parkway 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 Legacy Parkway Development. The project consists of a mixture of residential and public institutional uses associated with the non-profit entity that will be located on site as well as future residential uses not associated with the non-profit entity. The developer shall include any permanent retention and detention pond areas or landscaped common areas.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 47 development allows for the construction of residential and general commercial entities with uses specified in within R-2 Low Density Single and Multi-Family Zoning District and allowable uses within CG General Commercial Zoning District. Specifically prohibited uses include outdoor firing ranges, racetracks, car washes, storage facilities, and adult businesses or sex outlets as defined by the City’s Zoning Ordinance.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTIAL PLAN

A conceptual plan (exhibit A) for PUD 47, Legacy Parkway Development, was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on September 19th, 2023. The concept plan consists of a site plan for the overall development. However, additional drawings, documents, and permits routinely required for a subdivision are expected for review and approval prior to construction. All development within PUD 47 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. However, any modification may not increase the total number of dwelling units beyond 35 without a revision to the PUD ordinance approved by the City Council. Additional plans, plats, and other development-related documents and permits will be necessary to carry out the construction of this project. It is recognized that the plats and site plans for the PUD development may reflect some alteration in the conceptual plan such as the exact location of each specific building and type within the development area. Other variations may include the width or alignment of streets, 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 feature of this ordinance as these relate to adjoining properties and infrastructure (e.g., external intersection locations, buffers with external properties, etc.)

All streets or access drives within the PUD 47 development shall be constructed with adequate width to accommodate the installation of sidewalks which shall be installed at the expense of the developer. Further specification of intersection design requirements and other infrastructure standards will be specified prior to platting.

6.B PLATS

One or more plats will be prepared for the PUD 47 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats 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 determines are necessary to carry out the development of PUD 47 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 47 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 party to them.

Section 7. DEVELOPMENT STANDARDS

The development standards for PUD 47 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the R-2 Low Density Single and Multi-Family residential zone for residential development and CG General Commercial zoning for commercial development from the City of Cleveland's zoning regulations.

A 25' buffer shall be established between the non-profit development and associated amenities and the greenway right-of-way for mutual enhancement.

The general appearance for all development within the PUD 47 development area shall be in accordance with the IGC Interstate Gateway District Standards outlined in section 2.20 of the Cleveland, TN Zoning Ordinance.

A monument style ground sign shall be installed at the primary entrance(s) to the site. All common areas, facilities, and landscaping shall be kept in good repair by the developer, future, owners, or an established homeowner's association. Once established, the homeowner's association shall enforce a no overnight parking within the Rights-of-way for emergency service access.

Centralized cluster mailbox units shall be provided, if required by the United States Postal Service, and shall include a minimum of 3 off-street parking spaces per. These may be combined with site amenities as provided. 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 public ROW. Each single-family residential lot must provide a minimum of 2 off-street parking spaces, therefore reducing on-street parking and traffic congestion.

The minimum lot width requirements for single-family detached home sites are 60 feet and the depth requirements are 100 feet. The front setback requirements are 15 feet, side setback requirements are 5 feet, and rear setbacks shall be no less than 15' from the property line. Site specific plans are required for all single-family residential structures in the development prior to construction and corners must be pinned by a surveyor at the foundation stage. Townhomes must follow the City's established process requiring a site plan for construction and a final plat after construction. Storage sheds and similar accessory structures, if allowed by the Developer, shall be limited to yard areas behind the primary structure and are not to encroach within 5 feet of any property line.

Covered porches, sunrooms, and other covered additions to the primary structure, if allowed by the developer are to maintain the required setbacks for the primary structure. Open patios and decks, if allowed by the Developer, may extend to within 10 feet of a rear property line. Retaining walls as needed for the grading of building pads should maintain a 5-foot setback. Walls greater than four feet in height must be reviewed and approved by the City of Cleveland Director of Development and Engineering Services prior to the issuance of a building permit. The guidelines for approval of a minor encroachment as established within the Cleveland Zoning Ordinance may be utilized to establish variations in setbacks subsequent to any Planning Commission approvals. The development standards for the R2 Low Density Single Residential Zoning District shall apply for any standards this ordinance does not address concerning residential development and CG General Commercial zoning for commercial development.

The developer shall dedicate a 50-foot-wide strip of unopened right-of-way along the front of the parcel which borders Interstate 75 Right-of-way for future road development by the City of Cleveland.

Public Utilities shall be designed outside of the curb-to-curb area, except for reasonable crossings where necessary. The Director of Planning and Community Development, or their assigns, may allow deviations to utility locations when given a reasonable explanation for the deviation.

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

The Developer, and its assigns or successor in title, is responsible for obtaining all federal, state, and local permits required for the construction of the Proposed PUD 47 Legacy Parkway 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. Buildings shall be designed and structured 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 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 47, an amendment to this ordinance is not required to implement such detailed block plan, site plan, plat, refinement to plans necessitated by permitting or review requirements, 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 47 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 Real Life Village 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

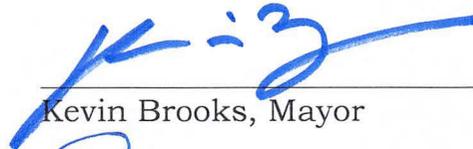
"Developer" is also intended to include any holding company or other entity established for the ongoing operation and maintenance of the development of the subject property including, but not limited to, common areas, joint use or joint access areas, and undeveloped portions of the property that are intended for development.

Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. Where this ordinance is in conflict with existing 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 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



EXIST
CHUR

TO SENIC
AND CAR

EXISTING
YOUTH
FACILITY

VILLAGE
ENTRY

PHASE ONE
2 RESIDENCES
• 16 CARE SUITES

VILLAGE
LAWN

FUTURE
DEVELOPMENT

ACCESS CONTROL FENCE TO SOUTHEAST OF R.O.W.

OUTDOOR
RIDING- PH.2

BARN
PH. 2

COMMUNITY GARDEN
PH.2

GREENHOUSES
PH.2

THERAPY
POOL PH.2

COMMUNITY
BUILDING PH.1

PH. 1

PH. 2

PH. 2

W 19.0

720

720

740

750

740

760

780

790

770

730

1st READING 3-10-25 pg 230
FINAL READING 3-24-25 pg 242
MINUTE BOOK # 32

ORDINANCE 2025-11

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Centralized cluster mailbox units shall be provided, if required by the United States Postal Service, and shall include a minimum of 3 off-street parking spaces per. These may be combined with site amenities as provided. 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 public ROW. Each single-family residential lot must provide a minimum of 2 off-street parking spaces, therefore reducing on-street parking and traffic congestion.

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The developer shall dedicate a 50-foot-wide strip of unopened right-of-way along the front of the parcel which borders Interstate 75 Right-of-way for future road development by the City of Cleveland.

The developer shall dedicate a 20' wide easement which borders Interstate 75 right-of-way for future greenway expansion.

Public Utilities shall be designed outside of the curb-to-curb area, except for reasonable crossings where necessary. The Director of Planning and Community Development, or their assigns, may allow deviations to utility locations when given a reasonable explanation for the deviation.

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

The Developer, and its assigns or successor in title, is responsible for obtaining all federal, state, and local permits required for the construction of the Proposed PUD 47 Legacy Parkway 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. Buildings shall be designed and structured 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.

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Section 11. CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

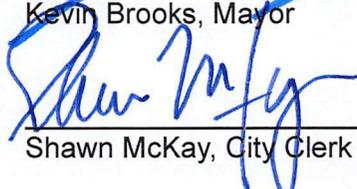
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APPROVED AS TO FORM:



John F. Kimball, City Attorney



Kevin Brooks, Mayor


Shawn McKay, City Clerk

