

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 INMAN CENTRAL ISE MIXED USE "PUD 52" ON PROPERTY DESCRIBED AS TAX MAP 057D GROUP "E" PARCEL 020.00, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT; AMENDING THE ZONING PLAN AND ZONING MAP FOR PUD 52; 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 52" subject to the provisions described in each section of this ordinance. The permitted uses in the PUD 52 zoning district are those uses outlined in Section 5 of this ordinance. The development standards for the PUD 52 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 52, Inman Central ISE Mixed Use Development (name may be revised during the platting process with approval of the Cleveland Municipal Planning) includes property generally identified as Tax Map 057D Group E Parcel 020.00. Exhibit A illustrates the overall Inman Central ISE Mixed Use 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 Inman Central ISE Mixed Use development. The project consists of multiple ISE Mixed Use buildings, to include one or more restaurants. Exhibit A shows the general location of proposed infrastructure and common parking areas. The developer shall include any permanent retention or detention pond areas, or landscaped common areas.

Section 5. PERMITTED USES AND PROHIBITED USES.

The PUD 52 allows for the construction of single-tenant structures and multi-unit ISE Mixed Use structures. Specific uses including restaurants (with or without Drive-up facilities), hotels, supermarkets, department stores, entertainment facilities, shopping centers with multiple tenants, professional offices, service business such as dry cleaners, personal service businesses, retail sales and rentals are allowed by right. Any outdoor storage must be screened utilizing practices listed in section 7 of this ordinance. Prohibited uses include any industrial use, self-storage, car washes, oil change facilities, and vehicle repair or sales. If any residential units are desired through the re-development of the PUD, they will be required to be placed above retail units on the 2nd or 3rd floors of a structure or to the rear of the property.

Streets, sidewalks, drainage structures, fire hydrants, utilities, and the like are allowed. Nothing herein should be construed as prohibiting the Developer from making further refinements to the development plan of PUD 52 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 particular ISE Mixed Use uses within the Inman Central ISE Mixed Use development will comport with the descriptions of the constituent parts of the development which are conceptually described within Exhibit A unless modified by agreement of the Cleveland Municipal Planning Commission. Conditional uses within the PUD 52 district shall be dictated by the underlying Inman Street East (ISE) zoning. Uses other than those described as permitted or allowed herein are prohibited. Billboard signs are prohibited.

Section 6. CONCEPTUAL PLAN AND RELATED REQUIREMENTS.

6.A. CONCEPTUAL PLAN.

A conceptual plan (Exhibit A) for PUD 52, The Inman Central ISE Mixed Use Development was prepared for submission to the Cleveland Municipal Planning Commission for consideration in the regular meeting on July 16, 2024. The conceptual 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 52 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. 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 Inman Central ISE Mixed Use development may ultimately reflect some alteration in the conceptual plan such as the exact location of each specific ISE Mixed Use structure typology within the ISE Mixed Use areas. 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 features of this ordinance as these relate to adjoining properties and infrastructure (e.g., external intersection locations and traffic improvements, buffers with external properties, etc.).

6.B. PLATS.

One or more plats may be prepared for the PUD 52 property by the Developer for approval in accordance with the City of Cleveland, Tennessee subdivision regulations. These plats will describe and dedicate public streets to 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, condominium association documents, common area agreements, and the like which the Developer determines are necessary to carry out the development of PUD 52 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 52 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 PUD52 shall be those established in this ordinance. Where development standards are not otherwise included in this ordinance, the standards shall be those in the ISE zone, from 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. All stormwater detention/retention areas will be screened from the public ROW.

Architectural standards for any new buildings constructed on the Site shall be consistent with the ISE standards utilizing brick or stone materials and following the requirements put forth in the ISE SECTION of the zoning ordinance. The proposed continued use of the existing structure shall adhere to ISE standards in regard to storage, parking lot requirements, buffering and landscaping. A landscaped street yard shall be required on all property lines. The street frontages shall include a Landscaped Street Yard to provide an aesthetically pleasing transition from the public right-of-way to private property. The Street Yard shall be a minimum of 15' in width and include One Class 1 Shade Tree per 35', 1 Green Giant per 10' and a continuous shrub hedge. The Inman Street frontage as well as 75' of both side streets (Bates Street and Bible Street) shall include a black aluminum fence in place of the current chain link fence. Chain link may be used for the remainder of the perimeter with the green slats to screen from offsite property. Any outdoor storage shall be screened utilizing the requirements of the street yard and shall be placed outside the 20' restricted area between the front wall of the existing structure and Inman Street and extending east to Bible Street. This area is depicted on the attached preliminary site plan.

- All Class 1 Shade Trees shall be installed at a minimum caliper of two (2) inches as measured from two and one half (2 ½) feet above grade level. A minimum of 3 species must be utilized over the entire site
- All Screening Trees shall be installed at a minimum height of eight (8) feet and have a minimum expected mature spread of eight (8) feet.
- All Shrubs shall be twenty-four (24) inches in height and in a three (3) gallon pot. A minimum of 3 species must be utilized over the entirety of the site.

All buildings shall be serviced by sidewalks within the development. Sidewalks should be illustrated on all plats and site plans for review by city staff. Sidewalk connections shall be made at all entrances to Inman street.

The development standards for the ISE Zoning District shall apply for any standards this ordinance does not address.

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 PUD52 Inman Central ISE Mixed Use 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 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 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 PUD52, 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.

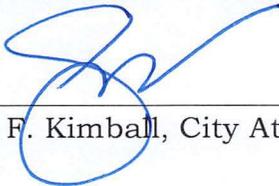
Section 10. BINDING UPON OTHERS. This ordinance is a law and not a contract, and as such it is generally binding upon all development and use of property in the PUD52 zoning district and is binding upon City's regulation of these activities in this location.

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 Sunbelt and Pheonix Investors 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 after passage and upon the execution of the development order as described above, the public convenience and necessity requiring it.

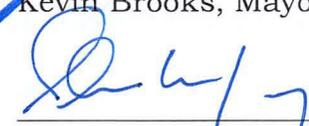
APPROVED AS TO FORM:



John F. Kimball, City Attorney



Kevin Brooks, Mayor



Shawn McKay, City Clerk



A Renovation for:
SUNBELT RENTALS
 495 INMAN ST. EAST, CLEVELAND, TENNESSEE

DATE: JULY 2011
 SCALE: 1/8" = 1'-0"

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