**ARTICLE VI**

**PLANNED UNIT DEVELOPMENT**

**REGULATIONS FOR SPECIAL DISTRICTS**

**SECTION**

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**6.010 Special District Description and Purpose**

These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof.

In Pleasant View, three (3) types of Planned Unit Development Districts are permitted:

1. Residential (RPUDs)
2. Commercial (CPUDs)
3. Mixed-Use (MPUDs)

**6.020 General Provisions**

A. Master Plan Required

No application for PUD zoning shall be considered unless a master plan meeting the requirements set forth in Section 6.020, B, below, is submitted therewith.

B. Ownership and Division of Land

No tract of land may be considered for or approved as a planned development unless such tract***(s)*** ~~is~~ ***are*** under single ownership***or a binding signed agreement by all parties involved.*** The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered land owners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an approved PUD may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the Planning Commission.

C. Relationship to Subdivision Regulations

The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility right-of-ways, curbs, and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications may be incorporated only with the approval of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval of the master plan by the Planning Commission.

D. Development Period, Staging Schedule

The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan.

Within one (1) year after the date of approval, actual construction shall have commenced in such development. In the event that construction has not been started, the Planning Commission shall conduct a hearing on the review of the PUD and may proceed to cancel or extend such final master plan depending on the circumstances of each case.

The Planning Commission may permit the development to be constructed in stages so that the completion is achieved in a logical manner. The following provisions shall govern the staging schedule:

1. In a residential planned unit development, the ratio of gross floor area of commercial activity to residential activity in the plan as initially approved or amended shall not be exceeded at any given stage of construction.

2. Each stage be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the planned unit development or its surroundings at any stage of the development.

E. Common Open Space, and Facilities

Any common open space or public or private facilities shall be subject to the following provisions:

1. The location, shape, size, and character of common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.

2. Common open space must be suitably improved for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition. ***Any proposed improvements must be bonded to ensure completion.***

3. The Planning Commission may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by scale 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 an appropriate public agency and said dedication be approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.

4. In the event that the organization established to own and maintain the 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 master plan, the Building Inspector may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the Building Inspector shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Building Inspector determines that the organization is not prepared for the maintenance of the common open space such agency shall continue maintenance for yearly periods.

5. The cost of such maintenance by such agency shall be assessed 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 said properties.

6. If the common open space is deeded to a Homeowners' Association, the Developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:

a. The Homeowners' Association must be set up before the homes are sold.

b. Membership must be mandatory for each home 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 must pay their pro rated share of the cost and the assessment levied by the association can become a lien on the property.

f. The association must be able to adjust the assessment to meeting changing needs.

g. The Municipal Planning Commission and the Board may, as a condition of approval in accordance with the master development plan, require that suitable areas for streets, public right-of-ways, schools, parks, or other public areas be set aside, improved, and/or dedicated for public use.

**6.030 Administrative Procedure**

The provisions of this section govern the procedure for approval for all PUDs as provided herein.

A. Preliminary Approval

Application for preliminary approval shall be made by the landowner of the affected property or his/her authorized agent to the Building Inspector in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall be accompanied by:

1. The preliminary master plan for the proposed planned unit development shall be a general concept which shall include such items as the Planning Commission by general rule shall specify in order to disclose:

a. The location and size of the area involved,

b. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas,

c. Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units,

d. Estimated population and density and extent of activities to be allocated to parts of the project.

e. Reservations for public uses including schools, parks and other open spaces,

f. Other major landscaping features, and

g. The general means of the disposition of sanitary wastes and storm water.

2. A tabulation of the land area to be devoted to various uses and activities and overall densities.

3. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.

4. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.

5. A stage development schedule, setting forth when the landowner intends to commence construction and a completion period.

6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

B. Zoning Amendment

After approval of the preliminary master plan, the Planning Commission shall recommend an amendment to the Board ***of Mayor and Alderman*** reclassifying the proposed PUD to the appropriate planned unit development district. If the Board ***of Mayor and Alderman*** approves the amendment, the landowner may submit a final master plan to the Planning Commission, and the Planning Commission is authorized to proceed with all future details of the project. ***The preliminary master plan shall be filed as a exhibit with the ordinance by the City Clerk as a permanent record.***

C. Application for Final Approval

Within one (1) year of the preliminary approval and rezoning of a planned unit development, the landowner may make application to the Planning Commission for final approval, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the Planning Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission ordinance of preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a nonprofit association shall also be submitted. When appropriate, this application shall contain the stated development schedule.

D. Final Approval of Stages

The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large planned unit development, in compliance with Section 6.020, D, above.

E. Final Master Development Plan of a Planned Unit Development

The final master plan of a planned unit development for the entire development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master development plan receiving preliminary approval plus the following:

The location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; character and location of signs; plans for street improvements; and grading and earth moving plans showing existing and proposed topography. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.

F. Amendments to the PUD

The terms, conditions, and the final master plan of a PUD may be changed from time to time by official action of the Planning Commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following:

The landowner, the residents and/or owners of or in the PUD may apply to the Planning Commission for an amendment to the master plan. The Planning Commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, siting, and height of the buildings may be authorized by the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Other changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change must be justified by changes in conditions or markets since the final plan was approved. ***Major changes such as use, density or original intent must be approved by the Planning commission and Board of Mayor and alderman by official action.***

G. Subdivision Plat Required

A PUD may be subdivided and sold. When this is to be the case at the time of submission of the final master plan, a final subdivision plat shall also be submitted meeting the requirements for a final plat to be recorded in the office of the Cheatham County Registrar.

When the subdivision includes attached dwellings in either a horizontal or vertical relationship, the final plat shall also contain an "as-built" building and boundary survey showing the complete and accurate dimensions and angles of the boundary of the parcel(s) on which the unit is located. In a vertical relationship (for example a second floor apartment) the plat must contain a datum plane of other suitable location reference. In meeting this requirement it is necessary that the upper and lower limits of each level of each dwelling unit be identified specifically in relation to the vertical reference.

H. Building Reconstruction

In the event a building is substantially damaged or destroyed by fire or natural disaster, such building may be reconstructed in exact compliance with the approved master plan. No change in any dimension or location shall be permitted without an official amendment approved by the Planning Commission.

I. Zoning Considerations

When an area is submitted for PUD approval, the Planning Commission in its deliberations shall consider the character of the proposed development in relationship to the surrounding area. No such development shall be approved where the streets providing access cannot handle the additional traffic load nor where the water system is incapable of meeting the fire flow requirements.

The development shall be so planned, designed, and constructed so as to avoid undue traffic congestion in the surrounding area and provide a satisfactory relationship of land use of the planned unit development with the surrounding area, making use of landscaping, screening, open space, and building placement where required and in keeping with accepted land planning principals. ***The planning commission may allow reductions in minimum lot area , width, buffering, open space and setback requirements where innovative design is proposed.***

**6.040 RPUD, Residential Planned Unit Development Districts**

A. Permitted Uses

Within an approved RPUD, the following uses and their accessory structures may be permitted by the Planning Commission as a part of the approval process:

1. Residential Activities **(amended by ordinance 16-08 June 14, 2016)**

a. Single Detached Dwellings

b. Dwelling, Townhouse

c. Duplex Dwellings

d. Multi-Family Dwellings

2. Community Facility Activities

a. Community Assembly

b. Cultural and Recreational Services

c. Essential Services

3. Commercial Activities

In RPUDs of ~~one hundred(100)~~ ***thirty (30)*** acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs of the residents, provided that such commercial areas shall not exceed five (5) percent of the total acreage of the RPUD and no individual establishment shall exceed two thousand (2,000) square feet of gross floor area.

All such commercial areas shall meet the following additional requirements:

a. Access from public streets shall be from arterial or collector streets as shown on the most recent major road plan.

b. The building design shall be compatible with the remainder of the RPUD.

c. No outside storage shall be permitted, and trash disposal facilities shall be completely enclosed by walls or materials that compliment all other buildings.

d. Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained a minimum of fifteen (15) feet wide which shall not be used for parking and with only driveways crossing said yard. Permanently landscaped side and rear yards at least ten (10) feet wide shall also be maintained.

e. All signs advertising the nature or names of the businesses shall be constructed flat against the walls of the building and shall not extend above or beyond any wall of the building. One such sign shall be permitted for each business located therein provided further that such sign shall not exceed thirty (30) square feet in size. All signs shall be either non illuminated or any lighting must be indirect. Portable signs of any kind are prohibited.

f. Any loading service area shall be in the rear of the building.

g. The Planning Commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.

B. Dimensional Requirements

All RPUDs shall comply with the following area regulations~~:~~

1. Minimum Size

Five (5) acres.

2. Front Yard

a. ~~There shall be a front yard setback for all buildings of not less than thirty (30) feet~~*.* ***Front yard shall be adequate size for service of utilities and sewer septic tank location if necessary, In no case may a structure encroach on the sight triangle distance of any intersection as per section 3.080 of the zoning ordinance.***

b. Where the RPUD fronts on a street with other houses on adjacent properties also fronting on such street which have front yards greater than thirty (30) feet, then no building shall be closer to the street line that the minimum setback established by the existing buildings.

3. Periphery Boundary

All buildings shall maintain a minimum setback from the peripheral boundary of the RPUD of not less than thirty (30) feet.

4. Other Yard Requirements

~~Within the boundary of the RPUD, no yard requirements are established. The Planning Commission shall specify internal yards as part of the approval of the final master plan based upon the type of buildings and nature of the PUD~~. ***Detached single family residences shall have a side setbacks of no less than five(5) feet. Attached buildings containing multiple units must be have side setbacks at least ten (10) feet.***

5. Lot Area and Frontage

In the case of detached dwellings no lot shall be approved with an area of less than eight thousand (8,000) square feet and a street frontage of less than ~~seventy-five (75)~~ ***sixty (60)***feet at the building setback line.

6. Maximum Height of Buildings

No building shall exceed three (3) stories or thirty-five (35) feet in height.

C. Density of Development

The maximum overall density shall be specified in terms of the number of dwelling units per gross acres of the acreage of the entire development. The maximum density shall be as follows:

1. For a RPUD containing only single family detached dwellings - 4.35 dwelling units per acre.

2. For a RPUD containing multi-family dwellings, ***townhouses*** or a combination of building types - 12 dwelling units per acre.

D. Required Improvements

All RPUDs shall comply with the schedule of improvements required in this section.

1. ***Sidewalks shall be as required by planning commission but no less than four (4) feet and in front of all residential structures. Multi-family structures shall have sidewalks that meet the Americans with Disabilities Act (ADA) that service entrance to the structure and any amenities.***

~~Internal Streets~~

~~Within any RPUD, streets may be public or private. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations for a paved street shall apply. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the Homeowners' Association. The following general specifications shall conform to the minimum standards.~~

~~a. The base of streets shall consist of six (6) inches of crushed stone or gravel, compacted.~~

~~b. The surface of all streets shall consist of hot plant mix asphalt or better materials, two (2) inches in depth, rolled and compacted.~~

~~c. Pavement widths shall be as follows:~~

**~~Collector Street 24 ft.~~**

**~~Minor Street 20 ft.~~**

**~~One-Way Street 12 ft.~~**

~~d. Dead-end streets shall be provided with adequate turn-around.~~

2. Off-Street Parking

All automobile storage areas shall be off-street with a minimum of two (2) spaces per dwelling unit. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the Planning Commission may require a variety of design and landscaping techniques to achieve this. ***Townhouse and Multi-family structures shall also be required to have a overflow parking area within 400 feet distance for overflow parking at one (1) space per two units.*** Parking for other buildings shall be as defined in Section 4.010, of this ordinance.

3. Utilities

The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the Cheatham County Health Department. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed at minimum of five hundred (500) feet apart except for areas of detached dwellings where the fire hydrants may be spaced so that no dwelling is farther than five hundred (500) feet away from such hydrant.

4 Waste Disposal

If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

5. Recreation and Open Space

Recreation uses provided as a part of a RPUD may include community buildings, swimming pools, golf courses, tennis courts, playgrounds, and similar activities. ***All improvements in open space shall meet the ADA.*** ~~Where a RPUD includes multi-family buildings, recreation and open space is required.~~ ***The amount of land established for permanent usable open space and recreational use shall be a minimum of fifteen (15) percent of the gross acreage. Open space shall be accessible from a street, large enough and of design for adequate usage. Storm water management structures shall not be allowed to cover more than fifty percent (50%) of any required open space. Any improvements/ amenities proposed on open space shall be bonded to ensure completion.***