

ORDINANCE NO. 1062

AN ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, PROVIDING THAT THE ATHENS MUNICIPAL CODE, TITLE 14 CHAPTER 2, BE AMENDED; TO ESTABLISH COMMERCIAL, MEDICAL AND INDUSTRIAL PLANNED UNIT DEVELOPMENT REGULATIONS; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the Athens Municipal-Regional Planning Commission met in open public meeting on May 1, 2017 and recommended the following changes to the zoning code as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, TENNESSEE:

SECTION 1. That Title 14 Chapter 2 be amended as follows:

Change the Use on Review Sections in the R-E, R-1, R-2, R-3 and P-1 Districts to the following:

Planned unit development, subject to the provisions of Section 4.09.01

Change the Use on Review Sections in the M-1, B-1, B-2, B-3, I-1 and I-2 Districts to the following:

Planned unit development, subject to the provisions of Section 4.09.02

Amend Section 4.09 of the Zoning Code as follows:

4.09. PLANNED UNIT DEVELOPMENT REGULATIONS.

4.09.01 RESIDENTIAL PLANNED UNIT DEVELOPMENT REGULATIONS.

Regulations stay the same

Add new section below

4.09.02 COMMERCIAL AND INDUSTRIAL PLANNED UNIT DEVELOPMENT REGULATIONS.

In the certain commercial, medical and industrial zoning districts where Planned Unit Development (PUD) are allowed as a Use on Review, the Athens Board of Zoning Appeals may approve certain Planned Unit Development complexes which include certain dimensional or density features that vary from the requirements outlined in Chapter 3. The intent being to encourage or provide for planned development that is compatible with the nature of the district; yet offers an environment which is not typical of these districts. The following restrictions shall apply to Planned Unit Development complexes:

A. No parcel of land shall be approved without an adequate public water supply. Availability of water will be determined by Athens Utilities Board (AUB).

B. The following dimensional requirements shall be imposed on all planned unit developments:

1. The exterior yards of the complex must meet the setback and yard requirements of the district in which the complex is located.

2. Although the developer will be allowed to deviate from the density requirements for the individual lots or areas on which the structures are located, the complex itself must meet the minimum density requirements for the district in which it is located. This may be accomplished through the provision of open spaces, open-type recreational areas, and consolidated parking areas.

3. A parking area of 200 square feet, ten (10) feet by twenty (20) feet, per required space shall be provided that the requirements of Section 4.03 shall apply.

C. The Board of Zoning Appeals shall approve only usable areas to be considered as open spaces or recreational areas within the complex.

D. No use will be permitted which is not specifically permitted or permitted on review within the district in which the complex is located. All residential uses allowed can only be located in the rear of the structures (the back 50% of the structure) or on upper floors; no store front commercial or medical areas can be used for residential purposes.

E. No planned development will be approved unless public sewer is available. Availability of sewer will be determined by Athens Utilities Board (AUB).

F. All access roads within the complex shall be constructed to the standards set forth in the City of Athens Minimum Subdivision Regulations, (Areas dedicated to rights of ways shall not be used in calculating the allowable density in Residential Zones).

G. All Planned Developments shall meet all landscaping and screening requirements of the City of Athens Landscaping Ordinance

H. All Planned Developments shall meet all stormwater requirements of the City of Athens Stormwater Management Policy.

I. The following plans and schedules shall be submitted to the Athens Board of Zoning Appeals for preliminary approval: (Preliminary and final approval may be given at the same time, if the plans and schedules meet the requirements for final approval.)

1. General location and parcel map of the area.

2. Preliminary site plan showing the location of the buildings, lot lines, setbacks, open space areas, stormwater facilities, utilities, parking and other use facilities.

3. Location and dimensions of all points of entry and exit for motor vehicles and pedestrians and the interior circulation pattern.

I. The following plans and schedules shall be submitted to the Athens Board of Zoning Appeals for final approval:

1. The location, zoning and legal description of the proposed planned development.

2. Plans and specifications of all buildings, improvements, and facilities constructed within the complex.

3. Topographic information at two (2) foot contours.

4. A site plan of the complex, including the location of all buildings, lot lines, yard sizes, setbacks, stormwater facilities, recreation and open space areas (Residential), utilities, parking and certain common use facilities.

5. The location and dimensions of all points of entry and exit for motor vehicles and pedestrians and the complete interior circulation pattern.

6. Name and addresses of the applicant and the developer or engineer.

7. Stormwater Calculations that meet the requirements of the City of Athens Stormwater Management Policy.

8. Such architectural, engineering, and geographic data as may be required to permit the Board of Zoning Appeals to determine if the above regulations are being complied with and the character of the district is being preserved, shall be submitted.

9. A time schedule for development shall be submitted with the PUD plans, which shall demonstrate the applicant's readiness and ability to develop the proposed project.

J. Use on Review Request for Planned Development:

Request for an approval to develop and construct a planned unit complex shall in accordance with Section 6.07.C.2 of this ordinance and shall be accompanied by all plans, fees, schedules, and other information herein required.

SECTION 2: That all Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

SECTION 3: In the event that any part of this ordinance is invalidated by a court of competent jurisdiction, all other parts shall remain in full force and effect unless otherwise lawfully repealed or amended.

SECTION 4: This ordinance shall take effect immediately upon passage on second reading, the public necessity requiring it.

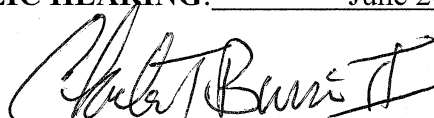
PASSED ON FIRST READING: May 16, 2017

PASSED ON SECOND READING: June 20, 2017


DATE OF PUBLIC HEARING: June 20, 2017



C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor

APPROVED AS TO FORM:


H. CHRIS TREW, City Attorney