

ORDINANCE:	17-03
PREPARED BY:	Shipley
REQUESTED BY:	Kingston Pike Properties, LLC, Applicant
CERTIFIED BY FMPC:	
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	<u>04/27/2017</u>
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 3., SPECIFIC DISTRICT REGULATIONS, SECTION XXVI., PLANNED COMMERCIAL DEVELOPMENT DISTRICT (PCD), TO PROVIDE FOR NEW REQUIREMENTS

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 3, Specific District Regulations, of the Farragut Zoning Ordinance, Ordinance 86-16,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance is hereby amended as follows:

SECTION 1.

The Farragut Zoning Ordinance, Chapter 3, Specific District Regulations, Section XXVI. Planned Commercial Development District (PCD), is amended by deleting in its entirety and substituting in lieu thereof the following:

XXVI. - Planned commercial development district (PCD).

- A. General description. The planned commercial development district (PCD) is established to encourage creative and resourceful projects for interrelated commercial, office, and residential uses unified by a Development Plan. The PCD district is intended to provide for variety and flexibility in design necessary to implement integrated planned development projects. It is intended that the PCD district be established along streets having a designated classification of arterial on the Farragut Major Road Plan or a street which directly accesses a street having a designated classification of arterial on the Farragut Major Road Plan.
- B. Objectives. The Planned Commercial Development District (PCD) shall have the following characteristics:
 - 1. Open space. Encourage ingenuity, creativity, and resourcefulness in land planning techniques by developing functional common open spaces. Locate and orient outdoor open spaces (e.g. plazas, courtyards, patios, outdoor seating and benches, small park

spaces or landscaped features) to provide focal points to be actively used. Provide landscape enhancements (e.g. bioswales, rain gardens, planters, flower gardens) to add visual interest, screen parking areas, and complement outdoor open spaces.

Sense of place. Allow the design of commercial, office, and residential developments that are architecturally and environmentally innovative and that achieve more efficient use of land than is possible through the application of conventional zoning and subdivision standards.

3. Protection of natural resources. Ensure the conservation of the natural environment including trees, floodplains, sinkholes, wetlands, springs, streams, wet weather conveyances, endangered species habitat, steep slopes, rock formations, other unique topographic features, and historic features per federal, state, and the Town of Farragut's laws and/or ordinances. Protect geological resources such as groundwater, soils, and drainage areas.
4. Efficient and innovative land use practices. Encourage efficient and innovative use of land, street networks, utility locations, and parking. In terms of stormwater management for new developments, at least twenty-five (25) percent of the development's total area shall be designed so that its runoff will be accommodated through Low Impact Development (LID) measures which would rely on infiltration, evapotranspiration, or capture/reuse of stormwater runoff. Such measures may include, but are not limited to, permeable pavers, rain gardens, bioswales, vegetated roofs, rainwater capture systems and/or a combination thereof. The use of LID measures to meet this requirement shall be demonstrated on the drainage plan and in the drainage calculations for the development and the applicable LID measures specified as part of the site and landscape plan submittals.
5. Connectivity. Provide for context appropriate (i.e. appropriate in relation to the proposed development and its physical surroundings) pedestrian and vehicular connectivity. This shall include providing connections within the property and to abutting properties, pedestrian connections into the development from the public street(s), and the construction of pedestrian facilities along the public street(s) frontages.
6. Compatibility and consistency. Maintain compatibility with nearby development and consistency with the Farragut Comprehensive Land Use Plan Update, Pedestrian and Bicycle Plan, Architectural Design Standards, and all other adopted plans and ordinances of the Town of Farragut and any subsequent amendments.

C. Minimum standards.

1. Land uses.
 - a. Unless otherwise prohibited through the approved Development Plan, any use permitted within the general commercial and office districts shall be allowed within the PCD district. Residential and mixed use may also be permitted as part of the Development Plan. Where a property is zoned PCD and is shown to be within the area identified as Mixed Use Town Center (MUTC) on the Future Land Use Map the use shall be permitted and comply as established in Chapter 3, Section XII.F.;

- b. Uses within a PCD that are automobile oriented, such as fuel centers, drive-throughs, automobile services, retail rental and leasing of automobiles, etc., shall be arranged so that they are situated internal to the development;
- c. The total land area of the PCD shall be designed as a planned development and, for the purposes of building and parking lot setbacks and landscaping requirements, shall be treated as a single parcel/lot;
- d. The development shall be designed in a manner that ensures compatibility with adjacent land uses; and
- e. Traffic circulation shall not route traffic through adjacent residential areas.

General conditions. By acceptance of approval of the PCD zoning, the applicant agrees to the conditions set forth in this section as part of such approval. As part of the approval of the PCD district, the town may require the following:

- a. Rearrangement of structures, open space, driveways, and parking areas;
- b. Modification of density, setbacks, and buffering; and
- c. Limitation of specific commercial uses.

3. Area regulations.

- a. Front yard.
 - 1) Unless provided for elsewhere in this ordinance or the Municipal Code, all structures shall be setback from the nearest point of any right-of-way a minimum of twenty (20) feet;
 - 2) If the street is classified as a local street on the Major Road Plan and is constructed as part of the approved Development Plan, all buildings shall be setback from the nearest point of any right-of-way a minimum of ten (10) feet.
 - 3) Driveway aisles, accessways, parking lots, and other vehicular ways shall be setback a minimum of twenty (20) feet from all public right-of-ways and a perimeter parkway shall be maintained.
 - 4) In order to minimize the visual impact of surface parking, where parking is situated between a building and a street or is parallel with a building along a street, a berm shall be constructed or landscaping shall be planted so as to limit the viewability of the parking lot from the street. A minimum of sixty (60) percent of the total parking lot length adjacent to the front property line shall be screened from view with a berm or landscaping.
- b. Peripheral side and rear property lines. All buildings shall be set back a minimum of thirty-five (35) feet from all peripheral side and rear property lines, except as provided for elsewhere in this ordinance or the Municipal Code. Any required buffer strip shall be included in the required peripheral structure setback.
- c. Transition areas.
 - 1) Unless specified otherwise in this ordinance, where an abutting property is zoned residential and/or agriculture, a transition area of at least fifty (50) feet in width shall be provided. The intent of a transition area is to provide for a visually

appealing interface to an abutting residential area that will serve to establish protection for but also context appropriate integration with the surrounding plan of development. Transition areas shall accommodate the connectivity requirements of this district. This will result in some modest breaks in the transition element. As provided for in this district, transition areas shall include, at a minimum, any one of the following or a combination thereof:

- a) An existing tree covered area that consumes largely the full depth of the transition area and where the existing tree count within such area clearly exceeds the plant unit count and minimum tree sizes for a thirty-five (35) foot buffer strip per 100 linear feet;
- b) A landscaped low impact development stormwater management area, such as a rain garden(s), bioswale(s), or naturalized areas with existing and/or new tree plantings that, in total, consume the full depth of the transition area. At a minimum, such an area shall include a plant unit count that equals the count required for a thirty-five (35) foot buffer strip, as provided for in Chapter 4 of this ordinance. Under this option, the arrangement of plant material may include more flexibility than an traditional buffer strip planting, provided this arrangement best promotes the intended stormwater function of the low impact development measure(s);
- c) A heavily landscaped pocket park area designed for passive use and that is approved as part of a site and landscape plan as an equivalent to other natural transition measures provided for in this subsection. Such area could serve as a shared amenity between a use in this district and an abutting residential neighborhood;
- d) A traditional planted buffer strip area that complies with the thirty-five (35) foot buffer strip plantings provided for in Chapter 4 of this ordinance;

Where a development combines different transition elements these shall be considered as part of the concept plan and then reflected on the site and landscape plans. Such an approach must clearly fulfill the intent of the transition area provision. Existing tree covered areas within transitions shall be protected. Exceptions would apply for the removal of invasive exotic plant material and context appropriate (i.e. appropriate in relation to the proposed development and its physical surroundings) pedestrian and/or vehicular connections and utilities adjacent to such improvements that bisect the transition area in a generally perpendicular manner.

Transition areas shall not be required for developments that abut properties that are not zoned residential and/or agriculture.

- d. Maximum lot coverage. Total lot coverage for the entire development—seventy (70) percent.
- e. Land area. Minimum development size of five (5) acres.

- f. Minimum common open space. A minimum of ten (10) percent of the gross land area of the development shall be reserved as common open space.
 4. Common open space ownership regulations. Provision for the permanent ownership, operation, and maintenance of the common open space shall be provided by covenant, deed restriction, and/or easement. Ownership shall be a property owners association, land trust, or other legal authority.
 5. Height regulations.
 - a. In order to provide for an appropriate transition in terms of building scale and height within the PCD development, whenever the adjacent property is zoned residential or agricultural, buildings proposed within one-hundred (100) feet of a periphery property line shall generally not exceed the maximum height permitted for principal dwelling units in the adjacent zoning district(s). The planning commission may consider alternatives to this due to site specific considerations such as, but not necessarily limited to, topography or the existing built environment abutting the property.

When abutting all other zoning districts or where buildings are greater than one hundred (100) feet from a periphery property line such buildings shall not exceed three (3) stories, or forty-five (45) feet in height, except as provided for elsewhere in this ordinance of the Municipal Code; and
 - b. No accessory structure, other than a clubhouse or comparable amenities building, shall exceed fifteen (15) feet in height, except as provided for elsewhere in this ordinance or the Municipal Code. A clubhouse or comparable amenities building shall not exceed twenty-five (25) feet in height.
 6. Street frontage. All lots created as part of the development shall have a minimum of twenty-five (25) feet street frontage. Access to individual properties and establishments shall be restricted to shared access easements.
 7. Parking. Parking requirements as defined in Chapter 4 shall serve as a guide only. All parking areas shall be shared parking easements for the total PCD development.
 8. Landscaping. As regulated in Chapter 4. Requirements shall apply to the total PCD development.
 9. Outdoor site lighting. As regulated in Chapter 4.
 10. Signs. As regulated in the Farragut Municipal Code. Requirements shall apply to the total PCD development.
 11. Development controls. As regulated in this ordinance, the Farragut Municipal Code, and the Farragut Subdivision Regulations.
- D. Application for rezoning to Planned Commercial Development District (PCD). The application for rezoning to PCD shall include a Development Plan, which shall consist of three (3) primary components:
1. A survey of the total land area for consideration of rezoning.

A written narrative statement describing the planned development shall include the following information:

- a. A general statement of objectives to be achieved by the Planned Commercial Development District. This statement shall indicate the responsible person/entity for the development, indicate a description of the character of the proposed development, the market for which the development is oriented, and how the PCD district would be consistent with the Farragut Comprehensive Land Use Plan Update, Pedestrian and Bicycle Plan, and all other adopted plans and ordinances of the Town of Farragut and any subsequent amendments;
 - b. A statement describing the project phasing, including:
 - 1) A development schedule indicating the phases in which the project will be built and the dates when construction of each phase can be expected to begin;
 - 2) A statement of the intended schedule for the selling or leasing of each phase of the project; and
 - 3) A description of how each phase shall be self-contained and self-sustaining with regard to access, traffic circulation, parking, utilities, common open spaces, and landscaping, as well as capable of substantial occupancy, operation, and maintenance upon completion of construction and development of each phase.
 - c. A schedule by which the developer will complete all open space and landscaping features;
 - d. Quantitative data for site development standards including, but not limited to density, setbacks, maximum heights, proposed lot coverage of buildings, parking lots and other structures, parcel sizes, gross densities per acre, and total amount of common open space;
 - e. An explanation and construction schedule for the utility and infrastructure requirements of the Planned Commercial Development, including all utilities serving the site, surface water runoff, and other pertinent information;
 - f. A statement pertaining to any architectural and community design guidelines to provide information on building designs, orientations, styles, lighting plans, landscape plans, signs, etc.; and
 - g. Specific provisions, including appropriate legal forms, to assure the permanent ownership, operation, and maintenance of common open space, parking lots, accessways, etc. This can be achieved through covenant, deed restriction, easement, or ownership by a property owners association, land trust, or other legal authority.
3. Concept master plan. The concept master plan shall demonstrate compliance with the objectives of this district and shall be prepared by a professional team that includes a Tennessee licensed engineer, a Tennessee registered land surveyor, a Tennessee licensed landscape architect, and/or a physical planner with a comparable background and experience. At a minimum, the plan shall require the seal of at least one (1) of the above listed professionals. The concept master plan shall be of sufficient clarity and scale to accurately identify the location, nature, and character of the proposed total development. At a minimum, the concept master plan shall include the following information:
- a. Site location map;
 - b. GIS topography of the site;

- c. The approximate density, predominant species, general distribution of predominant species, and predominant level of maturity of trees within all tree covered area. Maturity levels shall be classified per the Tree Protection Ordinance;
- d. All environmentally sensitive areas including but not limited to floodplains, sinkholes, wetlands, springs, streams, wet weather conveyances, endangered species habitat, steep slopes, rock formations, other unique topographic features, and historic features;
- e. Sufficient information on the existing development within one hundred fifty (150) feet from the boundaries of the subject property to indicate their relationships with the proposed development related to land uses, lot lines, open space corridors, vehicular and pedestrian circulation systems, environmentally sensitive areas, and other unique natural features of the landscape;
- f. General location of proposed buildings, including building uses;
- g. Boundaries of the total development, including all proposed interior property lines and boundaries for the proposed development phases;
- h. Location of existing and proposed public streets and access easements;
- i. Existing and proposed general vehicular circulation system including all points of access to the proposed development and existing driveways and intersections within the vicinity of the proposed points of access;
- j. Location of proposed off-street parking and loading facilities;
- k. Location of proposed internal and external alignments of existing and proposed sidewalks, bicycle and pedestrian facilities, and greenways/walking trails;
- l. Location of existing utilities;
- m. Proposed treatment of surface water runoff flow from and through the site;
- n. Specific locations and sizes of all areas to be reserved as common open space;
- o. Proposed landscaping plan;
- p. Proposed signage plan;
- q. Calculations of lot coverage for the total development; and
- r. Certification that all requirements of the Tree Protection, Sinkhole, Aquatic Buffer, and the Stormwater Ordinances can be met.

E. Future modifications.

1. Revisions of plans after final approval.

- a. If it becomes necessary for an approved concept plan or site plan to be changed, then the changes shall be defined as "minor" or "major" by the Town staff. If a proposed change, in the opinion of the Town staff will not substantially affect the terms of the original approval, then the change will be defined as "minor". Minor changes may be reviewed and approved by Town staff. If a proposed change, in the opinion of the Town staff, will substantially affect the terms of the original approval, then the change shall be defined as "major". Major changes require review and approval by the Planning Commission and the Board of Mayor and Aldermen. In both cases, full

sets of revised site plans in accordance with the Town site plan submittal requirements along with a narrative describing the need for the changes shall be submitted.

- 1) **Minor Changes Defined.** Minor modifications are changes that do not substantially affect the character or intensity of the development, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Town staff shall report any request defined as minor to the Planning Commission and Board of Mayor and Alderman. Examples of minor modifications include but are not limited to the following:
 - a) Adding or deleting parking spaces.
 - b) Constructing additional stories that do not substantially affect other ordinance requirements of the development.
 - c) An increase or decrease in floor space by no more than twenty-five (25) percent in the overall development that does not dramatically affect the other ordinance requirements, intent, and nature of the overall development.
 - d) Re-occupancy of a building by a similar use permitted by the ordinance.
 - e) Changes to building height/facade that do not add an additional floor.
 - f) Additions or alterations to the landscape plan or landscape materials.
 - g) Relocation or resizing of utility supply lines or service connections.
 - h) Relocation or screening of utilities, HVAC equipment, transformers, or trash receptacles.
 - i) Alterations to the internal parking layout of an off-street lot in which the total available spaces is unchanged.
 - 2) **Major Modifications Defined.** Major modifications are changes that substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards or natural terrain features. Examples of major modifications include but are not limited to the following:
 - a) Request for a variance.
 - b) Construction of a new building or structure which will substantially affect the ordinance requirements of the development.
 - c) Increase in the overall density of the development.
 - d) Introduction or deletion of curb cuts into a public roadway.
2. Additional area may be added to an established Planned Commercial Development District if it adjoins and forms a logical addition to the approved development.
- a. The procedure for the addition of land to the PCD district shall be the same as if an original application was filed.
 - b. All requirements of the PCD district shall apply except for minimum lot area requirement.

- F. Annual review. To ensure continued progress toward completion, the approved Development Plan shall be submitted to the Planning Commission for annual review.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2017,
with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION