

ORDINANCE NO. 08-3362

AN ORDINANCE TO AMEND TITLE 14, CHAPTER 2 GENERAL PROVISIONS BY ADDING DEFINITIONS TO SECTION 14-203 AND TO ADD A NEW TITLE 14, CHAPTER 6, TO CREATE A NEW ZONING DISTRICT CALLED "SPECIFIC PLAN" (SP).

WHEREAS, to establish procedures where applicants can request legislative action to create a new "SP" zoning district that addresses the unique characteristics of an individual property; and

WHEREAS, the "SP" zoning districts shall require a site specific plan for the City Council to review and approve, and

WHEREAS, the "SP" zoning districts will establish unique standards and requirements to ensure the surrounding neighborhood and community-at-large are not adversely affected; and

WHEREAS, the "SP" zoning districts create opportunities through creative, practical, and proven development techniques that create a site specific plan that respects the unique character of abutting neighborhoods and the larger community; and

WHEREAS, the "SP" zoning districts create an opportunity to promote more efficient and economic uses of land while lowering unnecessary development and construction costs; and,

WHEREAS, the "SP" zoning districts permit the City Council, through legislative action, to adopt new districts that add flexibility in the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets, and where collectively these elements are context sensitive, avoid monotony, promote variety, and result in high-quality development.

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

Section 1. That pursuant to Title 14, Chapter 12, Lebanon Municipal Code, that the Lebanon Municipal Code, Title 14, Planning and Zoning, Chapter 6, Special Districts be amended by adding the text attached as Exhibit A hereto.

Section 2. That pursuant to Title 14, Chapter 12, Lebanon Municipal Code, that the Lebanon Municipal Code, Title 14, Planning and Zoning, Chapter 2, General Provisions Relating to Zoning Section 14-203 shall be amended by adding the following definitions:

"Text Amendment Procedure." The text and map amendment procedure established in Chapter 12, §§ 14-1201 to 14-1205

Section 3. That pursuant to Title 14, Chapter 12, Lebanon Municipal Code, that the Lebanon Municipal Code, Title 14, Planning and Zoning, Chapter 8, Planned Unit Developments be amended with the following new text to be inserted in Section 14-801 and the current Sections 14-801 through 14-805 to be renumbered 14-802 through 14-806.

Section 14-801.


For purposes of any existing Planned Unit Developments as of the date that this ordinance is adopted on final reading, the following requirements and regulations, as outlined in Ordinance 05-2722, shall apply. With the passage of this ordinance, no new Planned Unit Developments shall be considered.

Section 4. This Ordinance shall take effect on and after its passage.


Notice of Public Hearing was published in the Lebanon Democrat on October 7, 2008.

A Public Hearing was held at 5:55 PM in the City Council Chambers on October 21, 2008.

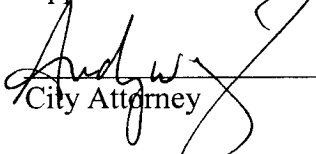
Attest:

  
\_\_\_\_\_  
Commissioner of Finance

Approved:

  
\_\_\_\_\_  
Mayor

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

Passed first reading: October 7, 2008

Passed second reading: **October 21, 2008**

**14-604. Specific Plan (SP) Zoning Districts.**

(1) **Purpose.** This section establishes a legislative procedure for context sensitive development. Compatibility with the land uses described in the most currently adopted Land Use Plan may be considered by City Council. The zoning districts promote flexibility in the location, integration, and arrangement of land uses, buildings, structures, utilities, access, transit, parking and streets. While providing additional flexibility for the developer, the zoning district also provides greater certainty as to the resulting development. The SP district is a zoning district, not an overlay district.

(2) **Applicability.** A specific plan (SP) zoning district may be applied to any property.

(3) **Procedure.** The procedure for creating or modifying an SP zoning district is the text and map amendment procedure established in Chapter 12, §§ 14-1201 to 14-1205 (“Text Amendment Procedure”), and this Section.

(a) **Initiation.** Any City of Lebanon public official or any other person or entity with ownership interest in the subject property, may file an application to create an SP zoning district.

(b) **Application.** An application to create an SP zoning district must be filed with the Planning Director. Prior to submitting an application to create an SP zoning district, the applicant and their design professional are required to attend a pre-application conference with members of the Planning and Engineering Staff. The pre-application conference must be pre-scheduled and the councilperson for the ward in which the property is located will be invited to attend the pre-application conference. Other staff may also be invited to the pre-application conference as requested by the applicant or design professional or as determined to be appropriate by the Planning or Engineering Staffs. A complete application must include the following:

- (i) A draft SP ordinance that includes zoning district text that addresses the elements of subsection (4), below.
- (ii) A map of the land area within which the SP ordinance will apply. (This will be adopted as part of the Official Zoning Map pursuant to § 14-219(2)).
- (iii) A draft amendment to § 14-219 (classification of districts) that lists the proposed SP district.
- (iv) A written document describing the existing conditions on the property and how the proposed use(s) will be consistent with the principles and objectives of the adopted Land Use Plan.
- (v) Copy of current letter indicating water and sewer availability from the appropriate water and/or sewer provider.

- (vi) A statement that the applicant agrees to be bound by the standards and procedures in the draft ordinance or, if the draft ordinance is altered during the Text Amendment Procedure, any standards and procedures that the applicant consents to during the process.

(c) **Processing.**

- (i) The Planning Director will refer a complete application to the Planning Commission. The Planning Commission will then process the application using the Text Amendment Procedure outlined in Chapter 12 of the Zoning Ordinance.
- (ii) The Planning Director will return an incomplete application to the applicant along with an explanation of the deficiencies.
- (iii) If the Planning Commission alters or modifies the draft SP zoning district, the applicant may agree to the changes, withdraw the application, or state its disagreement with the changes. Nothing in this section requires the Planning Commission to recommend approval to City Council of an application if they disagree with the draft SP zoning district.
- (iv) Upon City Council rezoning property to SP by proper ordinance, development plans such as site plans shall follow the review and approval procedure as outlined in the Zoning Ordinance. Development plans for subdivision plats shall follow the review and approval procedure as outlined in the Subdivision Regulations.

(4) **SP Zoning District Text.**

- (a) **Contents.** While there is no set “type” of SP zoning district, as each one is unique, there will be different levels of detail required, depending on what is to be accomplished by the SP zoning district and any distinctive site characteristics of the property for which the SP zoning district is proposed. The SP zoning districts shall substantially conform to the layout and format of the zoning district regulations established in Chapters 2 through 5 of this Title 14. The SP zoning district shall be labeled “SP-“ followed by a use classifier (R – Residential, C-Commercial, I – Industrial/Manufacturing or MU – Mixed Use), and a unique suffix (e.g., “SP-MU-Lebanon Acres”). The SP zoning district shall include details regarding the following elements, either as written text, illustrations, tables or exhibits:

- (i) A list or table of land uses that will be permitted. Based on the uniqueness of the SP zoning district there shall be no allowances for uses permissible on appeal.
- (ii) Required lot area, lot widths, yards, and bulk regulations.
- (iii) Dimensional and massing standards such as floor area ratio, building coverage, height, and facade length.

- (iv) Landscaping standards including proposed open space, screening and buffering standards.
- (v) Sign standards.
- (vi) Parking standards.
- (vii) Accessory building standards.
- (viii) Building material and architectural design standards.
- (ix) Parks and open space standards.
- (x) Street, water, sewer, stormwater management, including natural gas, electric, streetlights and other infrastructure standards.
- (xi) Detailed development plan showing the proposed layout of the entire property with respect to uses, potential road, lot and/or building configurations.
- (xii) Detailed information regarding anticipated traffic volumes, impact to existing roads and need for improvements based on detailed development plan.
- (xiii) Information related to drainage patterns and preliminary plans for drainage, including preliminary detention calculations. If the city engineer or other professional engineering studies determines that drainage problems exist off the site of the proposal and the proposed development could exacerbate those problems, the planning director may require a broader and more global assessment of drainage issues be submitted.
- (xiv) Detailed development and phasing plan for the entire property.
- (xv) Digital data file registered to the TN State Plane Coordinate System, North American Datum 1983 (NAD83).
- (xvi) Any other standards deemed necessary and/or appropriate by the Planning, Engineering, Cross-Connection, and/or Fire Departments.
- (xvii) Any other standards deemed necessary and/or appropriate by the Planning Commission.
- (xviii) Any other standards deemed necessary and/or appropriate by the City Council during the legislative text amendment process.

**(b) SP Zoning District Ordinance.**

- (i) Standards need not be uniform for the entire development. If standards are not uniform, provide an illustration, table or written document clarifying where those standards are proposed.
- (ii) Site plans, subdivision plats or other permits that are processed after the SP zoning district is approved must comply with the City of Lebanon's Subdivision and Stormwater Regulations.

- (c) **Effect.** If the City Council adopts the SP zoning district, the SP zoning district replaces any zoning district regulations previously in effect for the property or land area. All uses, development activity, permits, site plans, subdivision plats, and certificates of occupancy shall conform to the standards that are established in the SP zoning district.

**(5) City Council Actions**

- (a) The City Council will consider the elements and standards that are proposed by the applicant during the legislative process. If adopted, they will become codified as part of the Zoning Ordinance.
- (b) Upon recommendation by the planning commission, the city council will review the application for an SP zoning district. An SP zoning district application with a negative recommendation from the planning commission may be considered by the city council. Under the legislative power of the city council to amend the Zoning Ordinance, the council may approve, disapprove or approve subject to conditions. If the council makes any substantial changes, alterations or establishes conditions, the application for an SP zoning district shall be returned to the planning commission for review. The city council may then take final action to approve or disapprove the application using the Text or Map Amendment Procedures outlined in Chapter 12 of the Zoning Ordinance.
- (c) Notwithstanding any provision of this ordinance or law to the contrary, the actions of the city council in approving or disapproving a SP zoning district shall specifically be a legislative act as authorized by Tennessee Code Annotated § 13-7-204.

**(6) Severability**

Each section, subsection, paragraph, sentence, and clause of this ordinance, including any codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause in this ordinance shall not affect the validity of any other portion of this ordinance and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Ordinance 08-3362

TO BE PUBLISHED October 7, 2008

**PUBLIC NOTICE**

In reference to Ordinance 08-3362, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 pm on October 21, 2008 in the Town Meeting Hall for the purpose of discussing and hearing comments from the citizens on the proposed adoption of a new zoning district call Specific Plan (SP). The Lebanon Municipal Regional Planning Commission recommended adoption of this zoning district to the Mayor and City Council on September 23, 2008. The public hearing is being conducted pursuant to the laws of the State of Tennessee (TCA 13-7-203 and 13-7-204) and the City of Lebanon, Tennessee. Copies of the proposed amendment are available for inspection at the following locations: City of Lebanon Mayor's Office, Engineering Office and Planning Office at 200 North Castle Heights Avenue.

Individuals needing auxiliary aids for effective communication and/or other reasonable accommodation in programs and services of the City of Lebanon are invited to make their needs and preferences known to the ADA Compliance Coordinator by calling 443-8610.

Bill and send proof of publication to City of Lebanon, Mayor's Office, 200 North Castle Heights Avenue, Attn: Debbie Jessen.