

ORDINANCE NO. 10-355

AN ORDINANCE TO AMEND TITLE 14, CHAPTER 8, BY ADDING SECTION 14-803 TO THE CODE OF ORDINANCES RELATING TO ADDING PROVISIONS FOR PLANNED DEVELOPMENT DISTRICTS WITHIN THE TOWN OF MOUNT CARMEL, HAWKINS COUNTY, TENNESSEE.

BE IT ORDAINED by the Board of Mayor and Aldermen as follows:

SECTION I. That the Town of Mount Carmel Municipal Code, Title 14, Zoning and Land Use Control, Chapter 8, Group Housing and Planned Unit Development hereby is amended to add section 14-803 **PLANNED DEVELOPMENT DISTRICT** as follows.

Section 14-803 Planned Development District

Intent. The intent of this division is to allow flexibility and provide performance criteria for planned developments. This division permits design innovation, encourages a maximum choice of types of environment and living areas available to the public, provides open space and recreational areas, and optional methods of land development which encourage imaginative solutions to environmental design problems. The goal is a development in which building, land use, transportation facilities, utility systems and open spaces are integrated through an overall design. The total parcel, rather than a single lot, is the unit into which the public control is directed. Public regulation through a system of overall site plan review permits flexibility in building siting, a mixture of housing types and uses and the grouping of units to create more usable open spaces for the preservation of significant natural features. The planned development allows for placement of buildings on land without adherence to the conventional lot-by-lot approach common to traditional subdivisions. Such concerns as density are determined on a project basis utilizing the characteristics of the surrounding neighborhood and physical characteristics of the location allowing for the clustering of buildings which not only may create more useful open spaces but also may reduce public facility cost. Commercial entities may be included as part of an overall planned development. Industrial uses are forbidden in a planned development.

803.1 Establishment of districts

Planned development districts may be established prior to submission of development plans by a property owner.

803.2 Qualifying requirements for development

1. The planned development shall include at a minimum one acre of land.
2. The planned development shall be harmonious with the area surrounding the development site, and demand on public facilities and services shall not exceed the capabilities of such facilities and services.

803.3 Application for development

A zoning application for a planned development shall include the following items:

1. A statement that the applicant holds title to the entire parcel of land proposed for development or has legally recognized option to the entire parcel of land proposed for development.
2. A preapplication conference held by the staff to provide for a mutual understanding of the planned development regulations and to discuss the proposed plans of the applicant.
3. A written statement outlining the main features of the proposed enterprise, including goals and objectives.
4. A legal description of the total site requested for approval.

803.4 Preliminary development plan

a. A preliminary development plan for a planned development shall contain the following:

1. Location, size, and shape of the subject property with distances and bearings of the boundary of the site.
2. Vehicular circulation patterns including common parking areas.
3. Location of structures and open spaces for the district.
4. Landscape drainage calculations and erosion control plans. The developer will be required to obtain approved stormwater permits from TDEC and the Town. The TDEC permit application will be as specified by TDEC. The stormwater plan/application for the Town will be as specified in Chapter 16, Title 14 of the Municipal Code, must be prepared and sealed by an appropriate design professional and approved by the Planning Commission prior to a grading permit being issued.
5. A development schedule indicating the sequential order for stages of development within the district.

b. The following items shall be adequately explained in written or graphic form: relationship of the proposed development to the adjacent land uses, accesses to major streets, approximate locations and sizes of the existing and proposed on-site and off-site public utilities, density and housing characteristics of the project.

803.5 Final development plan

A final development plan for a planned development shall:

1. Be drawn to scale of not less than one inch equals 50 feet using black ink on Mylar-type material containing information as described for the preliminary development plan and including all revisions required by the planning commission. Property lines shall carry accurate bearings, distances and other pertinent physical features. Easements shall carry accurate dimensions.
2. Be prepared and signed (with seal) by the appropriate licensed professional.
3. Meet all the applicable federal, state, and town regulations.
4. Contain quantitative data for the total amount of open space, including materials and techniques utilized such as screens, fences, and walls.

803.6 Development Standards.

- a. *Height.* The maximum height of buildings and structures in a planned development district shall be harmonious with adjoining districts.
- b. *Density.* The intensity of land uses, bulk of buildings, concentration of population and amount of open space shall be generally harmonious to those requirements associated with neighboring districts.
- c. *Frontage.* Every dwelling unit shall adjoin a public street or common open space providing access to a public street.
- d. *Periphery yards.* The distance between structures and the nearest periphery boundary shall not be less than 30 feet or a distance equal to the height of the building, whichever is greater. Periphery boundaries, yards and height restrictions shall be required as needed to provide for an appropriate transition from adjoining districts. Fences, walls, and vegetation may be required by the planning commission.

e. *Parking.* Adequate parking spaces shall be provided at a minimum ration of 2.0 spaces per unit. All required parking shall be off the street. Parking located within the periphery yard of the development district shall be provided with screening from neighboring districts

f. *Open spaces.* Open spaces shall be classified as public open space, common open space or private open space. At least 20 percent of the development shall be devoted to permanent, public, or common open space required for recreation. However, in no event shall the periphery yard be considered in meeting these requirements.

g. *Commercial uses within a planned development.* In a planned development of 20 acres or more, commercial uses may be permitted. Such commercial uses shall be governed by the following:

1. Commercial facilities may be permitted in developments of 200 dwelling units or more. A ratio of one acre of commercial use, including parking, drive, and landscaping, is required for each 200 residential units.
2. All access to commercial facilities shall be from internal streets or drives.
3. Construction of such facilities may begin after 25 percent of the residential units have been occupied.
4. Commercial areas shall have architectural designs compatible with surrounding residential development as determined by the planning commission.

h. *Screening.* Screening (fencing, walls, or vegetation) shall be provided as required by the planning commission.

i. *Responsibilities for utility access and open space.* The following certificate shall be signed, dated, and placed on the final development plan:

1. *Government and utility access.* The owners of this property hereby agree to grant full rights of access to this property over the designated street utilities, and other easements for governmental and utility agencies to perform their normal responsibilities. (Signed and dated by owners.)
2. *Maintenance of common open space.* The owners of this property hereby agree to assume full liability and responsibility for the improvement, maintenance and operation of all common open space. (Signed and dated by owners.)

803.7 Procedure for development plans

a. *Preliminary development plan.* Approval of the preliminary plan of a planned development shall be for a period of 24 months, during which time a final development plan shall be filed. If the development plan and zoning map amendment are disapproved by the planning commission and the zoning map amendment is subsequently approved by the board of mayor and aldermen, the commission shall take timely action to consider a preliminary development plan for the subject property.

b. *Final development plan.* The final development plan required in this division shall be submitted to the planning commission within two years of the approval of the zoning map amendment by the board of mayor and aldermen, and the commission shall approve a final development plan for the subject property with such conditions as are found necessary. If construction plans have not been submitted in accordance with requirements of this division, the planning commission may institute action for rezoning the property to its previous classification or any other appropriate classification.

803.8 Development control following the approval of final development plan.

a. No building permit shall be issued until the final development plan of the planned development has been approved by the planning commission and its approval and recommendation is certified to the building official. Such plan shall then limit and control the issuance of all building and occupancy permits and restrict the construction, location, and continuing use of all land, structures and other facilities to the conditions as set forth in the plan.

b. The building official shall periodically inspect the site and review all building permits issued to ensure that the development schedule is followed.

c. The provision and construction of the common open space and any recreational facilities shown on the final development plan must proceed at the same rate as the construction of the dwelling units. If the building official finds that the development schedule has not been followed, no additional permits shall be issued until the owner or developer complies with the development schedule.

SECTION II. That this ordinance shall take effect from and after the date of its passage as the law directs, the public welfare requiring it.


GARY LAWSON, Mayor

ATTEST:


MARIAN SANDIDGE, Recorder

APPROVED AS TO FORM:


JOSEPH E. MAY, TOWN ATTORNEY



Public Hearing Published on: September 30, 2010

Kingsport Times-News

Public Hearing Held on: October 26, 2010

FIRST READING	AYES	NAYS	OTHER
ALDERMAN BLAKELY	x		
ALDERMAN GABRIEL			absent
ALDERMAN MAWK	x		
ALDERMAN ROBERTS	x		
ALDERMAN WOLFE	x		
VICE-MAYOR WHEELER	x		
MAYOR LAWSON	x		
TOTALS	6	0	1

PASSED FIRST READING: September 28, 2010

SECOND READING	AYES	NAYS	OTHER
ALDERMAN BLAKELY			absent
ALDERMAN GABRIEL			absent
ALDERMAN MAWK	x		
ALDERMAN ROBERTS	x		
ALDERMAN WOLFE	x		
VICE-MAYOR WHEELER	x		
MAYOR LAWSON	x		
TOTALS	5	0	2

PASSED SECOND READING: October 26, 2010

PUBLISHED ON: October 28, 2010
NEWSPAPER: *Kingsport Times-News*



Ad for Mount Carmel

Wednesday, September 29, 2010 12:21 PM

From: "Marian Sandidge" <mariansandidge@yahoo.com>
To: "Sheryl Edwards" <sedwards@timesnews.net>

September 29, 2010

Kingsport Times-News
Classified Advertising Department
P.O. Box 479
Kingsport, TN 37662

RE: Advertisement

Dear Sirs:

Please run the following advertisement in the Legal Section one time:

PUBLIC HEARING

The Mount Carmel Board of Mayor and Aldermen will have public hearing on Tuesday, October 26, 2010, at 7:00 p.m. at Mount Carmel City Hall concerning ***Ordinance 10-355, "An Ordinance to Amend Title 14, Chapter 8, by Adding Section 14-803 to the Code of Ordinances Relating to Adding Provisions for Planned Development Districts Within the Town of Mount Carmel, Hawkins County, Tennessee."*** The regular Board of Mayor and Aldermen meeting will follow. The public is welcome to attend and make comments.

Should you have any questions or if any additional information is needed, please do not hesitate to call on me.

Sincerely,
TOWN OF MOUNT CARMEL
Marian Sandidge, City Recorder

KINGSPORT TIMES-NEWS
ORDER CONFIRMATION

Salesperson: SHERYL EDWARDS

Printed at 09/29/10 14:30 by sedwa

Acct#: 44360
TOWN OF MOUNT CARMEL
P O BOX 1421
MT CARMEL TN 37645

Ad#: 915427 Status: N
Start: 09/30/10 Stop: 09/30/10
Times Ord: 1 Times Run: ****
STDAD 1.00 X 25.00 Words: 85
Rate: LE Cost: 31.35
Class: 010K LEGAL NOTICES
Descript: PUBLIC HEARING THE MOUNT
Given by: *
Created: sedwa 09/29/10 13:56
Last Changed: sedwa 09/29/10 14:30

Contact: MARIAN SANDIDGE
Phone: (423) 357-7311 ext
Fax#: (423) 357-7710
Email: mcch@chartertn.net
Agency:

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFS
KTN	A		12	W 09/30/10	1	09/30/10	SMTWTFS
NET	A		97	W 09/30/10	1	09/30/10	SMTWTFS

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

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PUB1T: 09/30/10

KINGSPORT TIMES-NEWS

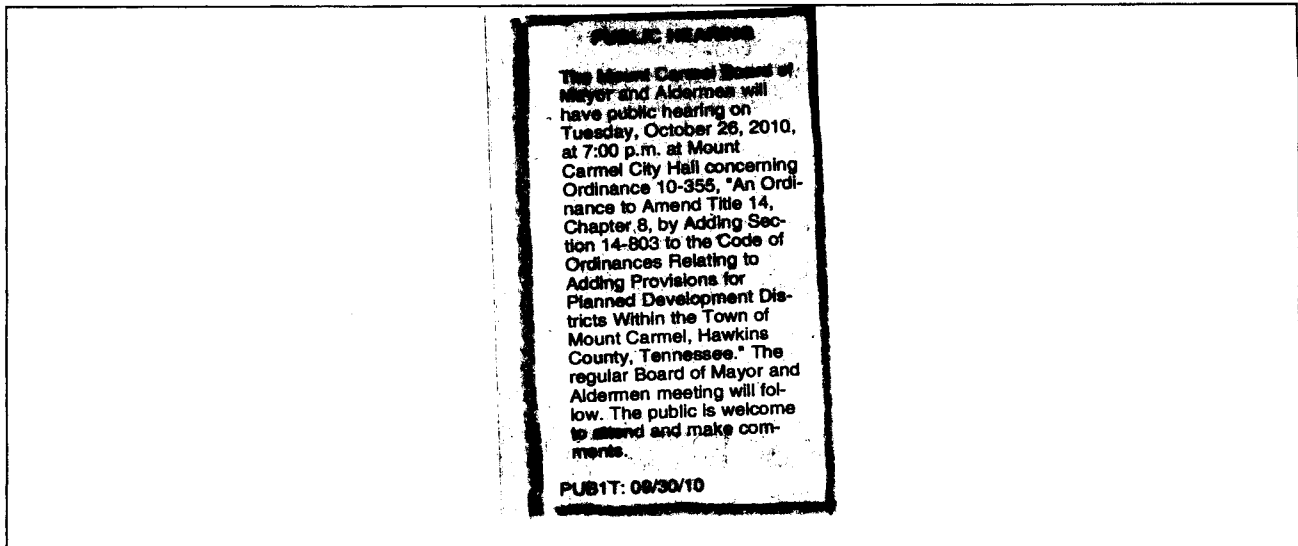
PUBLICATION CERTIFICATE

Kingsport, TN 10-6-10

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 9-30-10, and appearing 1 consecutive weeks/times, as per order of _____

Town of Mount Carmel

Signed Lois Ramney

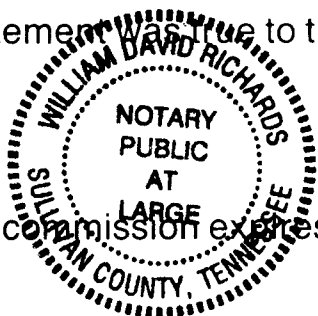


STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 6th day of October 20 10, Lois Ramney of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

William David Richards
NOTARY PUBLIC

My commission expires 7-2-11



KINGSPORT TIMES-NEWS
ORDER CONFIRMATION

Salesperson: SHERYL EDWARDS

Printed at 10/04/10 16:00 by lrame

Acct#: 44360
TOWN OF MOUNT CARMEL
P O BOX 1421
MT CARMEL TN 37645

Ad#: 915427 Status: E
Start: 09/30/10 Stop: 09/30/10
Times Ord: 1 Times Run: 1
STDAD 1.00 X 25.00 Words: 85
Rate: LE Cost: 31.35
Class: 010K LEGAL NOTICES
Descript: PUBLIC HEARING THE MOUNT
Given by: *
Created: sedwa 09/29/10 13:56
Last Changed: sedwa 09/29/10 14:31

Contact: MARIAN SANDIDGE
Phone: (423)357-7311ext
Fax#: (423)357-7710
Email: mcch@chartertn.net
Agency:

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFS
KTN	A	12	W	09/30/10	1	09/30/10	SMTWTFS
NET	A	97	W	09/30/10	1	09/30/10	SMTWTFS

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PUB1T: 09/30/10



Ordinance for Town of Mount Carmel

Wednesday, October 27, 2010 10:03 AM

From: "Marian Sandidge" <mariansandidge@yahoo.com>

To: "Sheryl Edwards" <sedwards@timesnews.net>

October 27, 2010

Kingsport Times-News
Classified Advertising Department
P.O. Box 479
Kingsport, TN 37662

RE: Adopted Ordinance for the Town of Mount Carmel

Dear Sheryl:

Please run the following advertisement in the Legal Section one time:

The Town of Mount Carmel, Tennessee, on October 26, 2010, passed Ordinance 10-355, "An Ordinance to Amend Title 14, Chapter 8, by Adding Section 14-803 to the Code of Ordinances Relating to Adding Provisions for Planned Development Districts within the Town of Mount Carmel, Hawkins County, Tennessee".

Should you have any additional questions, please give me a call.

Sincerely,
TOWN OF MOUNT CARMEL
Marian Sandidge, City Recorder