

MARTIN BOARD OF MAYOR AND ALDERMEN

AUGUST 10, 2009 5:15 PM CITY HALL CHAMBERS

BE IT REMEMBERED the regular meeting of the Board of Mayor and Aldermen for the City of Martin, Tennessee, was held Monday, August 10, 2009, at 5:15 pm in the City Hall Chambers, when the following was held to wit:

MEMBERS PRESENT: HONORABLE RANDY BRUNDIGE, MAYOR
HONORABLE DANNY NANNEY, ALDERMAN WARD I
HONORABLE BILL HARRISON, ALDERMAN WARD I
HONORABLE DAVID BELOTE, ALDERMAN WARD II
HONORABLE JOHNNY TUCK, ALDERMAN WARD II
HONORABLE TERRY HANKINS, ALDERMAN WARD III
HONORABLE RANDY EDWARDS, ALDERMAN WARD III

MEMBERS ABSENT: NONE

Also present: Police Chief David Moore, Fire Chief Russell Schwahn, Public Works Director Billy Wagster, Parks & Recreation Director Brian Moore, Community Development Director Kimberly Craddock, Building Inspector Billy Stout, Human Resources Director Celeste Taylor, Martin 9-Year Old Cal Ripken All Stars Kyle Baker, McKinney Baker, Aubrey Bynum, Riley Cormia, Tyler Earls, Kyle Hart, Cameron Jones, Michael Long, Layth Nassar, Logan Skelton and Cole Sullivan, several of the All Star's parents, All Star Coaches Keith Baker, Francis Bynum and David Long, Outreach Director with the Governor's Books of Birth Foundation of the State of Tennessee Karen Johnson, Weakley County Chamber of Commerce Director Barbara Virgin, and members of the press.

CALL TO ORDER AND INVOCATION

Mayor Brundige called the August 10th regular meeting of the City of Martin Board of Mayor and Aldermen to order. Alderman Hankins gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Brundige led the group in the Pledge of Allegiance to our flag.

PROCLAMATION CAL RIPKEN 9-YEAR OLD BASEBALL WEST TENNESSEE CHAMPIONS

Mayor Brundige presented the following Proclamation to the Cal Ripken 9-Year Old Baseball West Tennessee Champions:

WHEREAS, THE CITY OF Martin is proud of its youth and adults who participate in our local summer recreation programs; and

WHEREAS, the local Cal Ripken Baseball organization has produced teams that are of the highest caliber and worthy of post-season tournament play; and

WHEREAS, the Martin 9 year old Cal Ripken All-Stars are a team that displayed the exceptional qualities of play, teamwork, and hard work by being crowned the 2009

9-YEAR-OLD WEST TENNESSEE CAL RIPKEN CHAMPIONS.

NOW, THEREFORE, the Board of Mayor and Aldermen, on behalf of the citizens of the City of Martin, do hereby present this **PROCLAMATION OF ACHIEVEMENT** to the members of the

MARTIN 9-YEAR-OLD CAL RIPKEN ALL-STARS

Kyle Baker, McKinney Baker, Aubrey Bynum, Riley Cormia, Tyler Earls, Kyle Hart, Cameron Jones, Michael Long, Layth Nassar, Logan Skelton and Cole Sullivan
and coaches Keith Baker, Francis Bynum and David Long

for their championship and accomplishments throughout the 2009 season.

Signed:
Mayor Randy Brundige

Mayor Brundige presented each member and the coaches with a copy of the proclamation.

APPROVAL OF MINUTES

**JUNE 30, 2009, PUBLIC HEARING
DOWNTOWN GRANT
JULY 13, 2009, REGULAR MEETING**

Mayor Brundige introduced and presented for consideration the minutes of the June 30, 2009 Public Hearing for Phase II of the Downtown Enhancement Grant for approval as written and asked if there were any additions or deletions. There were none.

Alderman Nanney made the motion to approve the minutes of the June 30, 2009 Public Hearing for Phase II of the Downtown Enhancement Grant as written, seconded by Alderman Tuck.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

Mayor Brundige introduced and presented for consideration the minutes of the July 13, 2009 regular City Board Meeting for approval as written and asked if there were any additions or deletions

Alderman Edwards made the motion to approve the July 13, 2009 regular meeting minutes of the City of Martin Board of Mayor and Aldermen as written, seconded by Alderman Hankins.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

**RECOGNITION OF POLICE CHIEF DAVID MOORE
POLICE CHIEF OF THE YEAR – WESTERN DIVISION OF THE STATE
OF TENNESSEE**

Mayor Brundige explained Police Chief Moore has been named Police Chief of the Year – Western Division of the State of Tennessee by the Tennessee Association of the Chiefs of Police. This is an honor and we would like to recognize and congratulate Chief Moore.

DEPARTMENT HEAD REPORTS

HUMAN RESOURCES

DIRECTOR CELESTE TAYLOR

Director Taylor was present. No report was given.

POLICE DEPARTMENT

CHIEF DAVID MOORE

Chief Moore asked if anyone had any questions concerning the police department's monthly report. No questions were asked. A copy is attached to the minutes.

FIRE DEPARTMENT

CHIEF RUSSELL SCHWAHN

Chief Schwahn asked if anyone had any questions concerning the Fire Department's monthly report. No questions were asked. A copy is attached to the minutes.

Chief Schwahn further explained this afternoon I received a phone call from F M Global announcing that the City of Martin Fire Department will be awarded a grant to purchase laptop computers. This is a 100% grant for \$2,500.00 and will be presented to the department this Thursday.

PUBLIC WORKS

DIRECTOR BILLY WAGSTER

Director Wagster asked if anyone had any questions concerning the Public Works monthly report. No questions were asked.

I hope everyone has been by to look at the blacktopping restoration work done on N. McComb Street, Hyndsver Road, Fonville Street, and University Street at Fonville Street. If you have not, please do so because we need to decide if we want to do any more of this type restoration.

PARKS AND RECREATION

DIRECTOR BRIAN MOORE

Director Moore asked if anyone had any questions concerning the Parks and Recreation report. No questions were asked.

Our Senior Adult Director Bea Doster has retired, effective Friday because her husband is very ill.

This may prove to be one of our busiest fall seasons. We have scheduled two baseball leagues, a girl's soccer league, a girl's softball league, an adult softball league, three to four travel softball leagues, Junior High soccer, Junior High softball, High School soccer, and Parks and Recreation's regular soccer leagues. Also, there is a group of 16, 17 and 18 years old that played in Union City that are considering our park for their schedule.

COMMUNITY DEVELOPMENT DIRECTOR KIMBERLY CRADDOCK

Director Craddock announced the Martin Business Association will meet tomorrow morning here in the courtroom at 7:30 am. UTM Chancellor Tom Rakes and Ms. Karen Johnson from the Governor's office representing the Reading Railroad will be the speakers. Everyone is invited to attend. Breakfast will be served.

Soybean Festival Brochures will go to the print shop in the morning. I would like to thank Director Wagster and the Public Works department for putting up all of our banners and flags.

August 28th is the Freshman Welcome Fair, which is sponsored by UTM and the City of Martin.

BUILDING INSPECTOR

BILLY STOUT

Director Stout asked if anyone had any questions. No questions were asked.

WEAKLEY COUNTY OF COMMERCE DIRECTOR BARBARA VIRGIN

Director Virgin asked if anyone had any questions. September 11th and 12th are the scheduled dates for the Franchise Expo in Jackson, Tennessee sponsored by the West Tennessee Retail Alliance. The Governor's Three Star Conference and awards will be September 14th and 15th.

READING RAILROAD PROGRAM: OUTREACH DIRECTOR WITH THE GOVERNOR'S BOOKS OF BIRTH FOUNDATION OF THE STATE OF TENNESSEE KAREN JOHNSON

Mayor Brundige introduced the Outreach Director with the Governor's Books of Birth Foundation of the State of Tennessee, Karen Johnson, representing the Reading Railroad Program for the State of Tennessee.

Ms. Johnson spoke. "Good Evening to the Honorable Mayor Brundige. I just want to bring you a special greeting on behalf of Governor Bredesen. We thank you for your partnership with this program. It took all of our mayors through out the State of Tennessee coming on board to make it what it is today, so we thank you for your support. Also, and I hope I pronounce everyone's names right. To Alderman Nanney, Alderman Tuck, Alderman Belote, Alderman Edwards, Alderman Harrison, and Alderman Hankins, did I get everybody? I also just want to thank each of you for your continued support of the program as well. I am Karen Johnson. I am the Outreach Director with the Governor's Books of Birth Foundation of the State of Tennessee. I am also an elected School Board member for Metro-Nashville, Davidson County and why I mention that is because I understand your rolls and I understand the important work that you do. That is one of the reasons I was selected to come to the governor's office because it takes us as elected officials to stand for the programs that definitely will make a difference in our community. And, this program most especially is very beneficial to our children in the school system. Many of you are already aware that education has implications on our citizen's health and medical costs. In fact, there is a direct correlation between high education attainment, health behaviors, and improved mortality, and greater life expectancy. The reason why I am bring this up is that the governor has initiatives around health and wellness as well and this program ties into our efforts to increase the health and well being of our citizens and it starts with our children. The inability to read a prescription label or health brochure or understand a conservation with his doctor can adversely impact that individual's ability to take care of himself or herself or make good decisions. The Governor and the General Assembly envision a more literate society, which will make for a better democracy and encourage healthy discussions, like this one between officials, constituents, business, government, nonprofit, and individuals. Indeed, the Governor's Books of Birth Imagination Library Program remains a public private partnership, which depends on the support of all these sectors to continue it's mission. First allow me to address why Tennessee's Imagination Library was created. There is a literacy and educational crisis threatening our state's economic prospects. Illiterate children often become illiterate adults. Illiterate parents tend to have children who struggle academically and do not achieve literacy proficiency in adulthood. This is referenced in the National Council Family on Literacy. If a child is a poor reader in first grade there is an almost 90% probability that she or he will be a poor reader in fourth grade and this is referenced in the Public Library Association. In Tennessee according to the Annie E. Casey and Kids Count, 41% of fourth graders scored below basic reading level in 2005. Only 63.4% of incoming ninth graders graduate within four years. Achieving such skills by this age marks a milestone in a child's educational process and is an indicator of success in school and a statistical predictor of high school graduation, which in turn is a predictor for a productive work force. The public private partnership that we have established is the best way to address the problem quickly and at a low cost. The Imagination Library is proven to be effective. It works according to our teachers and the Tennessee Board of Regency conducted the teacher's surveys in 2007 and 2008, which are proof positive. And, I believe you all were given those at the last meeting and also gave you those again at this meeting. I apologize. I did not know that was given to you the last time. Currently Martin's enrollment is one of the highest in the state at 67%. All ninety-five counties are operating and have the support of their local governments. With this said it stands to reason that counties will benefit but most importantly our children will have a chance at life and a chance to succeed thanks to each of you. We are also excited that your efforts will be reflected in the strategic

action in the in the Three Star Program. We appreciate the funding that you have given in the past and to date. We are very pleased and excited that you are going to revisit the issue of funding in January for this very important program of Martin's children. Therefore, we are impressed that you will continue Martin's continued investment in partnership with the state's investment, which is half of Martin's cost. This will undoubtedly make possible parents getting and staying involved with their child and will help Martin's school performance, graduation rates, and economic prospects in the future. Thank you so very much for your continued support. We appreciate each of you and you are making a difference in the lives of each and every child in your city. Thank you so much for having me today and I look forward to your continued support. Thank you."

OLD BUSINESS:

INTRODUCTION AND PRESENTATION FOR THE SECOND AND FINAL READING AND PUBLIC HEARING OF ORDINANCE O2009-05: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING FOUR TRACTS OF LAND LOCATED ON ELM STREET SOUTH OF THE INTERSECTION WITH PEACH STREET FROM R-1 (LOW DENSITY RESIDENTIAL) TO B-2 (INTERMEDIATE BUSINESS)

Mayor Brundige introduced and presented for consideration the second and final reading and public hearing of Ordinance O2009-05: An ordinance to amend the Municipal Zoning Ordinance and map for Martin, Tennessee, by rezoning four tracts of land located on Elm Street south of the intersection with Peach Street from R-1 (Low Density Residential) to B-2 (Intermediate Business). Published in the Weakley County Press on July 23, 2009.

Mayor Brundige explained a copy of the ordinance has been provided for the members of the press and any interested citizens.

PUBLIC HEARING:

Mayor Brundige opened the Public Hearing for Ordinance O2009-05: An ordinance to amend the Municipal Zoning Ordinance and map for Martin, Tennessee, by rezoning four tracts of land located on Elm Street south of the intersection with Peach Street from R-1 (Low Density Residential) to B-2 (Intermediate Business) by asking if there was anyone wishing to speak for or against the ordinance. No one spoke.

Mayor Brundige closed the Public Hearing and reopened the regular meeting.

REGULAR MEETING REOPENED:

Mayor Brundige read Ordinance O2009-05. A copy follows:

ORDINANCE O2009-05

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING FOUR TRACTS OF LAND LOCATED ON ELM STREET SOUTH OF ITS INTERSECTION WITH PEACH STREET FROM R-1 (LOW DENSITY RESIDENTIAL) TO B-2 (INTERMEDIATE BUSINESS).

WHEREAS, pursuant to *Tennessee Code Annotated*, Section 13-7-201 through 13-7-211, the City of Martin has adopted a Municipal Zoning Ordinance; and

WHEREAS, in accordance with *Tennessee Code Annotated* Sections 13-7-203 and 13-7-204, the Martin Municipal-Regional Planning Commission has recommended the following amendment to the Municipal Zoning Ordinance and Municipal Zoning Map relative to the rezoning of territory; and

WHEREAS, the Martin Mayor and Board of Aldermen has deemed such a rezoning of this territory from R-1 (Low Density Residential) to B-2 (Intermediate Business) to be necessary for the welfare of the residents and property owners thereof this City as a whole; and

WHEREAS, the Martin Board of Mayor and Aldermen has held a public hearing pursuant to *Tennessee Code Annotated* Section 13-7-203 for the purpose of receiving public comment.

NOW, THEREFORE, BE IT ORDAINED BY THE MARTIN MAYOR AND BOARD OF ALDERMEN:

Section 1. That the Municipal Zoning Map and Zoning Ordinance for Martin, Tennessee be amended by rezoning from R-1 (Low Density Residential) to B-2 (Intermediate Business) the following four tracts of land located on Elm Street south of its intersection with Peach Street and further described as:

Weakley County Tax Map 78, Parcel 02800 and Weakley County Tax Map 79, Parcels 03100, 03101, and 03102.

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage, after second and final reading, **THE PUBLIC WELFARE REQUIRING IT.**

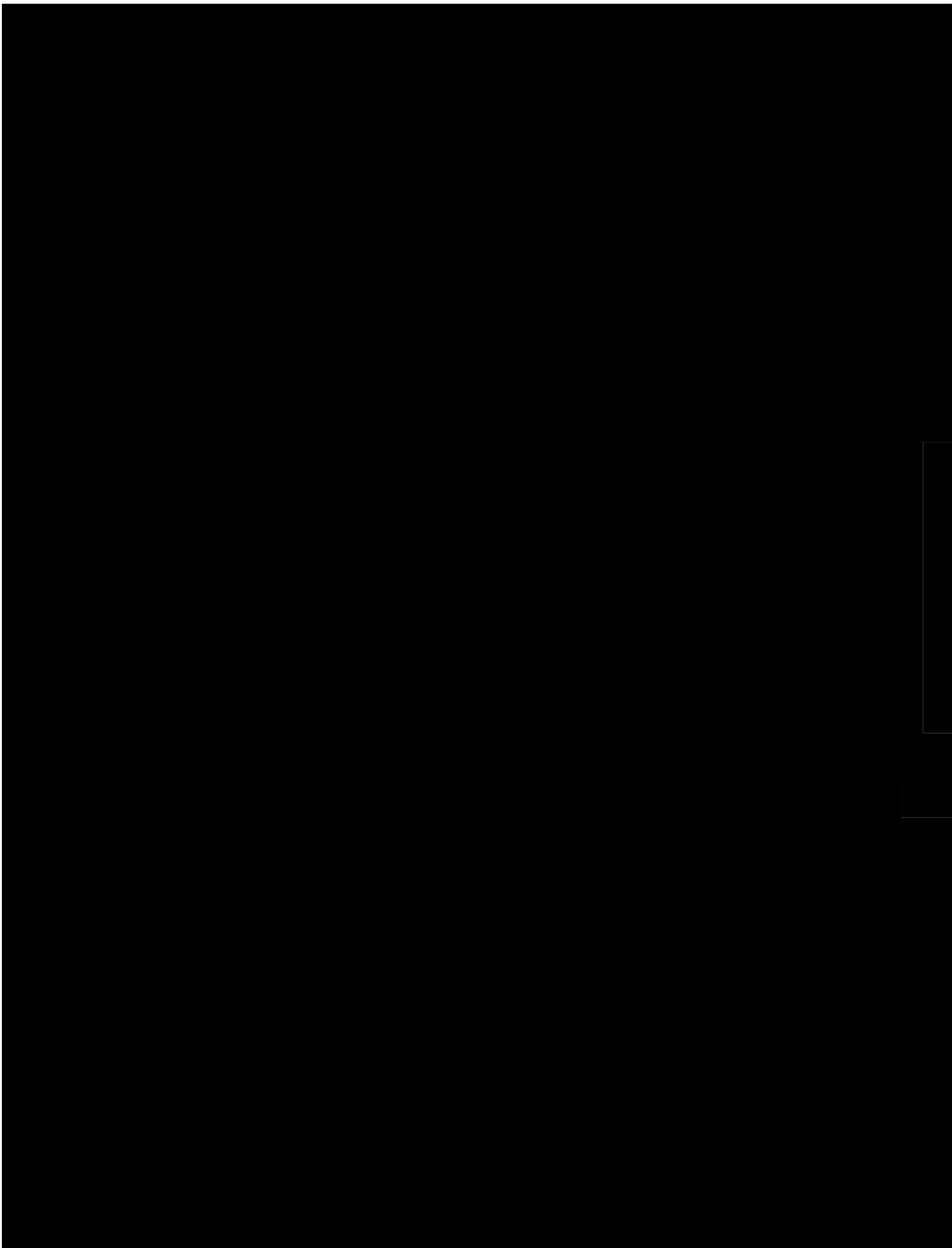
Date Passed First Reading

Date Passed Second Reading

Date of Public Hearing

ATTESTED:

APPROVED:



Alderman Tuck made the motion to approve Ordinance O2009-05: An ordinance to amend the Municipal Zoning Ordinance and map for Martin, Tennessee, by rezoning four tracts of land located on Elm Street south of the intersection with Peach Street from R-1 (Low Density Residential) to B-2 (Intermediate Business), seconded by Alderman Nanney.

Mayor Brundige asked if there were any questions from the board. There were no questions.

Mayor Brundige asked for roll call vote:

VOTE:	FOR:	HONORABLE NANNEY HONORABLE HARRISON HONORABLE BELOTE HONORABLE TUCK HONORABLE HANKINS HONORABLE EDWARDS
	AGAINST:	NONE
	ABSENT:	NONE

INTRODUCTION AND PRESENTATION OF RESOLUTION R2009-20: A RESOLUTION MAKING APPROPRIATIONS TO CERTAIN NON-PROFIT CHARITABLE ORGANIZATIONS, FOR THE FISCAL YEAR BEGINNING JULY 01, 2009 AND ENDING JUNE 30, 2010

Mayor Brundige introduced and presented for consideration the second and final reading and public hearing of Resolution R2009-20: A resolution making appropriations to certain non-profit charitable organizations, for the fiscal year beginning July 01, 2009 And Ending June 30, 2010. The press and interested individuals have been provided copies of the resolution.

PUBLIC HEARING:

Mayor Brundige opened the public hearing for Resolution R2009-20: A resolution making appropriations to certain non-profit charitable organizations, for the fiscal year beginning July 01, 2009 And Ending June 30, 2010 and asked if there was anyone present wishing to speak for or against the resolution. No one spoke.

Mayor Brundige closed the public hearing and reopened the regular meeting.

REGULAR MEETING REOPENED:

Mayor Brundige read Resolution R2009-20. A copy follows:

RESOLUTION R2009-20

A RESOLUTION MAKING APPROPRIATIONS TO CERTAIN NON-PROFIT CHARITABLE ORGANIZATIONS, FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010

WHEREAS, the Board of Mayor and Aldermen for the City of Martin, Tennessee, has determined that it would benefit the general welfare of the residents of Martin if appropriations were made to certain non-profit charitable organizations: and

WHEREAS, Tennessee Code Annotated 6-54-111 allows the legislative body of a municipality to appropriate funds under certain conditions for non-profit charitable organizations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen for the City of Martin, that

- SECTION 1.**
- a. One thousand dollars (\$1,000.00) be appropriated to the Kiwanis Club for the annual Christmas Parade.
 - b. Five thousand dollars (\$5,000.00) be appropriated to Community Developmental Services, Inc.
 - c. Twenty-one thousand dollars seven hundred dollars (\$21,700.00) be appropriated for the community activity – Soybean Festival.
 - d. Two thousand seven hundred fifty dollars (\$2,750.00) be appropriated to the Miss Tennessee Soybean Scholarship.

SECTION 2. In accordance with T.C.A. 6-65-111, this appropriation is made on the condition that the non-profit charitable organization for which these funds are appropriated shall file with the City Recorder's office a copy of an annual report of its business and transactions, which includes, but is not limited to, a copy of an annual audit, its programs which serve the residents of the City of Martin and the proposed use of the municipal assistance. The City Recorder shall consult with appropriate officials of the organization and auditors for the City to determine the extent of the information, which shall satisfy the requirement of this section.

SECTION 3. It is the expressed intent of the Board of Mayor and Aldermen of the City of Martin in making this appropriation to be fully in compliance with T.C.A. 6-54-111 and Chapter 0380-3-7 of the Rules of the Comptroller of the Treasury, State of Tennessee.

SECTION 4. This resolution shall take effect upon its passage, **THE PUBLIC WELFARE REQUIRING IT.**

ATTEST:

SIGNED:

Chris Mathis, CPA City Recorder

Randy Brundige, Mayor

INTRODUCED AND PASSED FIRST READING _____

PASSED SECOND READING _____

Mayor Brundige asked for a motion to adopt Resolution R2009-20.

Alderman Harrison made the motion to adopt Resolution R2009-20: A resolution making appropriations to certain non-profit charitable organizations, for the fiscal year beginning July 01, 2009 And Ending June 30, 2010, seconded by Alderman Belote.

Mayor Brundige asked for a roll call vote:

FOR:	HONORABLE NANNEY HONORABLE HARRISON HONORABLE BELOTE HONORABLE TUCK HONORABLE HANKINS HONORABLE EDWARDS
AGAINST:	NONE
ABSENT:	NONE

Mayor Brundige declared the motion approved and Resolution R2009-20 adopted.

ANY OTHER OLD BUSINESS:

There was no other business.

NEW BUSINESS:

APPROVAL OF UPDATED FIRE DEPARTMENT EMERGENCY RESPONSE PLAN

Mayor Brundige introduced an updated version of the Fire Department's Emergency Response Plan and asked Chief Schwahn to explain the updated version.

Chief Schwahn explained the Emergency Response Plan itself is the same this is just an update on contacts and phone numbers that are included in the plan.

Alderman Nanney made the motion to adopt the proposed updated version of the Fire Department Emergency Response Plan, seconded by Alderman Harrison.

Mayor Brundige asked for a roll call vote:

VOTE	FOR:	HONORABLE NANNEY HONORABLE HARRISON HONORABLE BELOTE HONORABLE TUCK HONORABLE HANKINS HONORABLE EDWARDS
	AGAINST:	NONE
	ABSENT:	NONE

Mayor Brundige declared the updated Emergency Response Plan approved.

INTRODUCTION AND PRESENTATION FOR THE FIRST READING OF ORDINANCE 02009-06: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING FOUR TRACTS OF LAND LOCATED ON VOLUNTEER DRIVE BETWEEN CARTER AND E STREETS FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL).

Mayor Brundige introduced and presented for consideration the first reading of Ordinance O2009-06: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning four tracts of land located on Volunteer Drive between Carter and E Streets from R-2 (Medium Density Residential) to R-3 (High Density Residential). This is a recommendation from the Planning Commission.

Mayor Brundige read Ordinance O2009-06. A copy has been provided to any interested persons and members of the press. A copy follows:

ORDINANCE O2009-06

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING FOUR TRACTS OF LAND LOCATED ON VOLUNTEER DRIVE BETWEEN CARTER AND E STREETS FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL).

WHEREAS, pursuant to *Tennessee Code Annotated*, Section 13-7-201 through 13-7-211, the City of Martin has adopted a Municipal Zoning Ordinance; and

WHEREAS, in accordance with *Tennessee Code Annotated* Sections 13-7-203 and 13-7-204, the Martin Municipal-Regional Planning Commission has recommended the following amendment to the Municipal Zoning Ordinance and Municipal Zoning Map relative to the rezoning of territory; and

WHEREAS, the Martin Mayor and Board of Aldermen has deemed such a rezoning of this territory from R-2 (Medium Density Residential) to R-3 (High Density

Residential) to be necessary for the welfare of the residents and property owners thereof this City as a whole; and

WHEREAS, the Martin Board of Mayor and Aldermen has held a public hearing pursuant to *Tennessee Code Annotated* Section 13-7-203 for the purpose of receiving public comment.

NOW, THEREFORE, BE IT ORDAINED BY THE MARTIN MAYOR AND BOARD OF ALDERMEN:

Section 1. That the Municipal Zoning Map and Zoning Ordinance for Martin, Tennessee be amended by rezoning from R-2 (Medium Density Residential) to R-3 (High Density Residential) the following four tracts of land located on Volunteer Drive between Carter and E Streets and further described as:

Weakley County Tax Map 73E, Group A, Parcels 00700, 00800, 00900, and 02100.

Section 2. **BE IT FURTHER ORDAINED** that this Ordinance shall become effective immediately upon its passage, after second and final reading, **THE PUBLIC WELFARE REQUIRING IT.**

Date Passed First Reading

Date Passed Second Reading

Date of Public Hearing

ATTESTED:

APPROVED:

Chris Mathis, City Recorder

Randy Brundige, Mayor

Alderman Hankins made the motion to approve the first reading Ordinance O2009-06: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning four tracts of land located on Volunteer Drive between Carter and E Streets from R-2 (Medium Density Residential) to R-3 (High Density Residential), seconded by Alderman Edwards.

Mayor Brundige asked for a roll call vote:

VOTE	FOR:	HONORABLE NANNEY HONORABLE HARRISON HONORABLE BELOTE HONORABLE TUCK HONORABLE HANKINS HONORABLE EDWARDS
	AGAINST:	NONE
	ABSENT:	NONE

Mayor Brundige declared Ordinance O9009-06 approved on the first reading and set the second and final reading and public hearing for September 14, 2009, at 5:15 in the City Hall Courtroom.

INTRODUCTION AND PRESENTATION FOR THE FIRST READING OF ORDINANCE O2009-07: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF MARTIN BY DELETING PROVISIONS FOR PRD (PLANNED RESIDENTIAL DEVELOPMENTS) DISTRICTS AND PCD (PLANNED COMMERCIAL DEVELOPMENTS) AND ADDING PROVISIONS FOR A PD (PLANNED DEVELOPMENT) DISTRICT THUS ALLOWING FOR PLANNED RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR MIXED USE DEVELOPMENTS

Mayor Brundige introduced and presented for consideration the first reading of Ordinance O2009-07: An ordinance to amend the Zoning Ordinance of the City of Martin by deleting provisions for PRD (Planned Residential Developments) Districts and PCD (Planned Commercial Developments) and adding provisions for a PD (Planned Development) District thus allowing for Planned Residential, Commercial, Industrial, or Mixed Use Developments.

Mayor Brundige explained this is a lengthy ordinance and I will only read the highlights of Ordinance O2009-07 because a copy has been provided for all interested persons and members of the press. A copy follows:

ORDINANCE O2009-07

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF MARTIN BY DELETING PROVISIONS FOR PRD (PLANNED RESIDENTIAL DEVELOPMENTS) DISTRICTS AND PCD (PLANNED COMMERCIAL DEVELOPMENTS) AND ADDING PROVISIONS FOR A PD (PLANNED DEVELOPMENT) DISTRICT THUS ALLOWING FOR PLANNED RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR MIXED USE DEVELOPMENTS

WHEREAS, Section 13-7-204 of Tennessee Code Annotated permits the amendment of the Zoning Ordinance of the City of Martin; and,

WHEREAS, the Martin Municipal-Regional Planning Commission has sought to unify and update regulations regarding Planned Developments; and,

WHEREAS, the Martin Municipal-Regional Planning Commission has recommended the amendment to the Zoning Ordinance described below in accordance with said TCA section cited above; and,

WHEREAS, in accordance with Tennessee Code Annotated, Section 13-7-203 the chief legislative body held a public hearing to obtain citizen input into of the said amendment;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Alderman of the City of Martin that the following text edits be made to the City of Martin's Zoning Ordinance:

SECTION 1 In Article IV delete references to PRD – Planned Residential District Overlay Zone and PCD – Planned Commercial District Overlay Zone; and,

SECTION 2 In Article IV add a reference to PD – Planned Development Overlay Zone; and,

SECTION 3 Delete Article V (Provisions Governing Residential Districts) Section A 7 (R-1 District) relating to Planned Residential Development (PRD) Overlay Zone Option, Article

V Section B 7 (R-2 District) relating to Planned Residential Development (PRD) Overlay Zone Option, Article V Section C 7 (R-3 District) relating to Planned Residential Development (PRD) Overlay Zone Option, Article V Section D 7 (R-4 District) relating to Planned Residential Development (PRD) Overlay Zone Option, Article V Section E (PRD (Planned Residential Development) Overlay Zone Provision), Article V Section F (Site Plan Review Requirements for Planned Residential Developments); and,

SECTION 4 Delete Article VI (Provisions Governing Commercial Districts) Section A 11 (B-1 District) relating to Planned Commercial Development (PCD) Overlay Zone Option, Article VI Section B 11 (B-2 District) relating to Planned Residential Development (PRD) Overlay Zone Option, Article VI Section H (PCD (Planned Commercial Development) Overlay Zone Provisions), Article VI Section I (Site Plan Review Requirements for Planned Commercial Developments)

SECTION 5 Add the following to Article VIII (PROVISIONS GOVERNING AREAS OF SPECIAL USE):

SECTION C. PD PLANNED DEVELOPMENT OVERLAY ZONE

1 INTENT AND GENERAL PROVISIONS - The intent of the following is to provide the means and the guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded to other districts in this chapter. Additionally, the intent is to provide design freedom in order to create a better living environment by making the best use of topography and land features and by permitting the developer an opportunity to more fully utilize the physical characteristics of the site. To accomplish this, reductions of lot sizes, the absence of yard and bulk restrictions and the planned mixing of uses may be permitted. It is also the intent that property under this section be developed through a unified design providing continuity between the various elements and ultimately leading to a better environment. Increased residential densities may be permitted under this section if such increases can be substantiated on the basis that the superior design making greater densities possible with no material adverse effects.

2 OBJECTIVES AND SIZE REQUIREMENTS

a) Objectives –The Board of Mayor and Aldermen may, upon proper application, permit a Planned Development (PD) to facilitate the use of flexible techniques of land development and site design by providing greater flexibility in site design requirements. In return for greater flexibility in site design requirements, planned developments are expected to deliver exceptional quality community designs that:

- 1) Preserve environmental resources;
- 2) Provide exceptional open space amenities;
- 3) Incorporate creative design in the layout of buildings, open space and circulation;
- 4) Assure compatibility with surrounding land uses and neighborhood character;
- 5) Provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure; and,
- 6) Facilitate a development pattern more in harmony with the City of Martin Growth Policies or Land Use Plan.

b) Minimum Size Requirements The minimum required site acreage for a Planned Development district shall be five (5) acres for single purpose planned developments and twenty (20) acres for mixed use planned developments, unless the Board of Mayor and Aldermen find that one or more of the following conditions exist:

- 1) That an unusual physical or topographic feature of importance to the area as a whole exists on the site or in the surrounding area that will contribute to and be protected by the planned development;
- 2) That the property or the surrounding area has a historic character of importance to the community that will be protected by the planned development;
- 3) That the proposed planned development is adjacent to a previously approved planned development and will contribute to the amenities and values of the neighboring planned development;
- 4) That the planned development is located in an area being redeveloped and will implement the policies of an adopted plan, including, but not limited to the Land Use Plan, a specific area plan, or redevelopment plan; or,
- 5) That due to additional screening, buffering, transitional uses or other design features, the proposed planned development would provide better protection to existing or proposed uses of surrounding property than would otherwise be provided by a conventional development.

3 RELATION BETWEEN PLANNED DEVELOPMENTS AND ZONING DISTRICTS

a) Districts permitted and planned developments in the Historic District (HD) - Planned developments shall be permitted in all districts. However, within the City's Historic District (HD), planned developments shall be subject to review by the Martin Historic Zoning Commission with regard to the aesthetic and architectural appropriateness and compatibility of all proposed structures.

Martin's Historic Zoning Commission approval shall be required prior to the issuance of any building permit. For any portion of a planned development located within the Historic District, the Historic Zoning Commission shall review the proposed planned development Outline Plan and provide a recommendation to the Board of Mayor of Aldermen. This recommendation shall be in addition to the Planning Commission's review and recommendation.

The Historic Zoning Commission's recommendation to the Board of Mayor and Alderman shall include, but not limited to, new construction, alterations, or demolition in accordance with Article VIII Section B of the City of Martin's Zoning Ordinance. The Historic Zoning Commission's review capacity shall be in accordance with the Article VIII Section B.

b) Modification of district regulations - Planned developments may be constructed in any zoning district subject to the standards and procedures set forth below:

- 1) Except as expressly modified by the Board of Mayor and Aldermen by approval of an Outline Plan, a planned development shall be governed by the regulations of the zoning district or districts in which the planned development is located;
- 2) Outline Plan approval for the planned development may provide for such exceptions from the zoning district regulations governing use, area, setback, loading, width and

other bulk regulations, parking, other design features and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a planned development; provided, however, no modification of the district requirements or subdivision regulations may be allowed when such proposed modification will result in:

- i Inadequate or unsafe access to the planned development;
 - ii An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
 - iii An undue detrimental effect upon surrounding properties;
 - iv A development which will be incompatible with the purposes of this subchapter, design guidelines, and other applicable regulations and guidelines.
- 3 Such exceptions shall supersede any conflicting subdivision regulations and zoning district restrictions in which the planned development is located; provided, however, in no case shall the uses or densities be varied, except as herein provided. All setbacks abutting private properties along the planned development shall not be less than those allowed in the zoning district in which the planned development is located unless specifically provided for in the planned development conditions. In the absence of an express condition of the planned development, the applicable ordinances and regulations of the City of Martin will apply.

4 COORDINATION WITH SUBDIVISION REGULATIONS

- a)- **Intent** - It is the intent of this subchapter that subdivision review and approval under the subdivision regulations be carried out simultaneously with the review of a planned development under this section of the Zoning Ordinance.
- b) The uniqueness of each proposal for a planned development requires that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications to such specifications may be approved only after review by the Martin Planning Commission and approval of the Board of Mayor and Aldermen.
- c) The development plans for planned developments must be submitted in a manner consistent with the requirements of the subdivision regulations.
- d) The requirements for both this section of this chapter and those of the subdivision regulations shall apply to all planned developments and all actions of the Board of Mayor and Aldermen pertaining to planned developments shall be based upon a recommendation by the Planning Commission.

- 5 GENERAL STANDARDS AND CRITERIA** - The Board of Mayor and Aldermen shall initially approve a PD by approving an Outline Plan upon written findings and recommendations by the Planning Commission which shall be forwarded to the Board of Mayor and Aldermen pursuant to the provisions contained in this section.

a) General Review Criteria for Planned Developments - The following General Review Criteria shall be utilized in evaluating requests and establishing conditions for a planned development:

- 1) **Consistency with Plan** The proposed planned development must be in agreement with the adopted Growth Policies or Land Use Plan and any plan adopted by the City of Martin (subject to subsection (2) below);
- 2) **Exceptions Due to Substantially Changed or Changing Conditions.** If not in conformance with adopted policies or plan, the proposed planned development shall be necessary because of substantially changed or changing conditions in the area or surrounding properties;
- 3) **Physical Characteristics of the Site; Relation to Surrounding Property** The tract shall be suitable, or it shall be possible to make the tract suitable for development in the manner proposed without hazard to persons or property, on or off the tract, free from the probability of erosion, subsidence, flood hazard, destruction of wetlands or other dangers. Conditions of soil, drainage, and topography shall all be appropriate to both type and pattern of use intended.
- 4) **Relation to Public Utilities, Facilities and Services** A planned development shall be so located in relation to transportation systems, sanitary sewers, emergency services, public safety, water lines, storm and surface drainage systems, and other utilities systems and installations that services can reasonably be expected to be available at the time of development and such services are adequate to serve the proposed development.
- 5) **Access to Major Transportation Facilities** A planned development, where appropriate because of the size or intensity of the proposed development, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed, as to provide access to and from such districts without creating excessive traffic along local streets in residential neighborhoods outside the development.
- 6) **Compatibility** Any planned development shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as land use, traffic, noise, or lights. Project control shall be accomplished through buffering, architectural design, architectural compatibility, site design, height limitations, land use restrictions, and density or intensity limitations.

The design of any planned development should reflect an effort by the developer to plan land uses within the planned development so as to blend harmoniously with adjacent land uses.

- 7) **Transitions Planned Development districts** shall be responsive to the character of surrounding properties and the existing neighborhood area. When located in an area where land use types and/or intensities or densities vary, the planned development shall be designed in such a manner as to provide for gradual changes in intensity and/or density.
- 8) **Relationship to Adjacent Property** The planned development shall include additional screening, buffering, transitional uses or other design features as necessary to adequately protect existing or proposed uses of surrounding property; and shall

provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.

- 9) Natural and Historic Features, Conservation and Preservation Areas Planned Development districts shall be designed to preserve the natural features of the land and historic resources, such as existing trees, natural topography, and archaeological and historic sites, as much as possible.
 - 10) Density/Intensity Density and/or intensity shall not exceed maximums established in Table 1. The planned development densities/intensities shall be established after consideration of the Land Use Plan criteria and limits, neighborhood compatibility, transitions, and site design.
 - 11) Height In a planned development, height shall be determined after review of the nature of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed.
 - 12) Fences and Screening Fences or Vegetative Screening at the periphery of a planned development shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of surrounding areas from similar adverse influences. When adjacent development is of either similar use or intensity, such screening is not required.
- b) Responsible Party** - Homeowner associations or some other responsible party shall be required to maintain any and all common and open space and/or common elements, unless accepted to be conveyed to the City of Martin.

6 ADDITIONAL PROVISIONS

- a) Application for planned development required** - Each application for a planned development shall be submitted in accordance with requirements of these regulations and the requirements set forth in the Subdivision Regulations. Deviations to the requirements may be granted upon review and recommendation of the Planning Commission and approval by the Mayor and Board.
- b) Waiver of Board of Zoning Appeals Action** - No action of the Board of Zoning Appeals shall be required in the approval of a PD (Planned Development).
- c) Ownership and Division of Land** - No tract of land may be considered for or approved as a planned development unless such tract is under the single ownership of a landowner. For the purpose of this subchapter, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PD application for the property or any governmental agency shall be considered landowners for the purpose of this section. Unless otherwise provided as a condition of approval of the PD, the landowner of an adopted PD may divide and transfer parts of such development. The Outline Plan shall control the development of any part of a PD that is subdivided, sold, or leased. No development may be undertaken in any part of a PD that is subdivided, sold, or leased that will violate the Outline Plan for the PD.
- d) Professional Design**

- 1) The Martin Planning Commission shall not consider any development plan for any proposed planned development, nor shall the Martin Board of Mayor and Aldermen approve any Outline Plan for a proposed planned development unless such proposed plan included a certification that the services of one or more design professionals were utilized in the preparation of the Outline Plan in addition to a licensed civil engineer.
 - 2) A final site plan or subdivision plat shall be certified by a licensed professional civil engineer, architect or surveyor.
- e) **Phasing, Inactive Planned Developments, and Time Extensions** - The expeditious construction of any planned development authorized under these provisions shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved Outline Plan and subsequent approved plans.
- 1) Phasing of development. The Board of Mayor and Aldermen may elect to permit the development of the planned development in phases, in which case, the following provisions shall be complied with:
 - i Any phasing of a planned development shall be approved during the planned development review process and shall be sufficient in terms of size and scope in order for the phase to exist as a “stand alone” project, in the event the applicant does not implement subsequent phases of the planned development as proposed and approved.
 - ii Each phase shall be designed and sequenced to ensure that the impacts of the development upon the surrounding community and properties will not be detrimental or a deterrent to further development of the community and adjacent properties.
 - iii The commencement of actual construction of any phase stage of the planned development shall be governed by the provisions of this chapter.
 - 2) Inactive Planned Developments
 - i If a preliminary subdivision plat or preliminary site plan has not been acted upon by the Planning Commission within one (1) year of the approval, by resolution, of the Outline Plan by the Board of Mayor and Aldermen;
 - ii If a final subdivision plat or final site plan has not been acted upon by the Planning Commission within one (1) year of the approval of the Planning Commission’s approval of a preliminary subdivision plat or preliminary site plan;
 - iii If a development contract is not approved and executed within three (3) years following final subdivision plat or final site plan approval; or,
 - iv At any time the planned development or any phase of the planned development has not been developed according to a schedule.

The Planning Commission shall give notice by certified mail to the owner and applicant who requested the planned development and shall schedule a meeting to take any of the following actions:

 - i) Recommend extending, removing, or modifying the schedule for development

- ii) Recommend amendments to the Outline Plan
- iii) Recommend revocation of the Planned Development and/or
- iv) Recommend rezoning of the property to its former zoning classification

After receiving the Planning Commission's recommendation(s), the Board of Mayor and Aldermen shall schedule a meeting with the developer and render a decision.

- 3) Time Extension for Outline Plans - The owner and applicant who requested the planned development may request an extension of the Outline Plan in one year increments. Approval of any time extension is at the discretion of the Planning Commission, however, the total time extension shall not exceed two years without re-approval being granted by the Board of Mayor and Aldermen. When considering approval of a time extension, the Planning Commission may recommend the Outline Plan be modified to comply with regulations adopted since the planned development was approved and/or to address changes to surrounding properties since the planned development was approved.
- f) Common Open Space and Public Facilities** - The requirements of common open space and public facilities shall be in accordance with the provisions of this section.
 - 1) Common open space must be usable for recreational purpose or must provide visual, aesthetic environmental amenities. 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 structures to be provided.
 - 2) Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefore and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.
 - 3) The development phasing sequence which is part of the Outline Plan must coordinate the improvements of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a planned residential development, but in no event shall occupancy permits for any phase be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
 - 4) No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the City of Martin's Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the planned residential development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes and the existence of public parks or other public recreational facilities in the vicinity.

- 5) All land shown on a plan as common open space may be either:
- i) Conveyed to a public body, if the public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or,
 - ii) Conveyed to an organization for ownership and maintenance subject to the following:
 - i) The Martin Planning Commission and the Martin Board of Mayor and Aldermen may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale 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 the City of Martin and the dedication be approved by the Board of Mayor and Aldermen;
 - ii) In the event that the organization established to own and maintain common open space or any successor organization shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final subdivision plat or final site plan (if required), the City may serve written notice upon such organization and/or the owners or residents of the planned development and hold a public hearing. After 30 days when the deficiencies of maintenance are not corrected, the City shall call upon all the owners of property within the PD to maintain the common open space, and, in default thereof, the City may maintain same;
 - iii) The cost of such maintenance by the City shall be assessed severally and proportionally against the properties within the planned development that have a right of enjoyment of the common open space and shall become a lien on the properties;
 - iv) If the common open space is deeded to a Homeowners' and/or Property Owners' Association, the developer shall file with the Planning Commission a declaration of covenants and restrictions that will govern the association to be submitted with the application for preliminary subdivision plan or preliminary final site plan approval (if applicable). The City Attorney will review the documentation as to form prior to Planning Commission approval. The provisions shall include, but not be limited to the following:
 - (a) The Association must be set up before the properties are sold;
 - (b) Membership must be mandatory for each 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; and,
 - (e) Homeowners/property owners must pay their prorated share of the cost of the assessment levied by the association to meet changed needs.

- 6) The Martin Planning Commission and the Martin Board of Mayor and Aldermen may, as a condition of approval, require that suitable areas for streets, public rights-of-way, schools, parks/public areas be set aside, improved and/or dedicated for public use.
- g) Security Requirements for Improvements** - Adequate security shall be furnished and filed with the City of Martin for private and public improvements in accordance with the applicable provisions of the Subdivision Regulations and Zoning Ordinance. The security shall ensure completion of all improvements, including, but not limited to public site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, planting and screening, as recommended by the City Engineer.
- h) Development Contract** - After a final subdivision plat or final site plan (if required) is approved by the Board of Mayor and Aldermen, the developer, and owner, if different from the developer, must enter into a development contract with the City of Martin Board of Mayor and Aldermen relative to all required improvements.
- i) Relation to Utilities, Public Facilities** - The planned development shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. The planned development shall be so located with respect to schools, parks, playgrounds and other public facilities required in the same degree as would development in a form generally permitted in the area.
- j) Relation to Major Transportation Facilities** - The planned development shall be located with respect to major streets and highways or other transportation facilities as to provide direct access to such districts without creating traffic along minor streets in residential neighborhoods outside such districts.
- k) Vehicular Movement and Standards** - The street design of any PD should include a clearly defined hierarchical street system. Streets, drives, parking and service areas must provide a safe and convenient access to dwelling units and project facilities and for service and emergency vehicles. Streets will not be laid out as to encourage outside traffic to traverse the development on minor streets or occupy more land than is required to provide access as needed or create unnecessary fragmentation of the development into small tracts. In general, tract sizes shall be the maximum consistent with use, shape of the site and for the convenience and safety of the occupants.
 - 1) Vehicular access to other streets from off-street parking and service areas shall be combined, limited, located, designed and controlled as to channel traffic to and from such areas conveniently, safely and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruptions.
 - 2) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PDs shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

- 3) The methods for designing and constructing private streets are flexible. Construction plans must be approved by the City Engineer. If no agreement between the developer and the City Engineer can be reached, then private streets must be designed and built according to the City of Martin's Subdivision Regulations.

l) Site Planning

- 1) Site planning within any PD shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development, including, but not limited to area storm water management plans, hydrological studies, water and wastewater facilities, streets, noise and other environmental consideration.
 - 2) All reports and plans shall be submitted to the City Engineer for review and approval and shall be made a part of the final site plan.
 - 3) Site plans shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities and for the appropriate relation of space, inside and outside buildings to intended uses and structural features.
- n) Signs** - Signs permitted in the PD shall be as permitted by the underlying district and regulated by the City of Martin's Zoning Ordinance - Article IX – Sign Regulations.
- o) Accessory off-street parking and loading** - Accessory off-street parking and loading in the PD shall be regulated by provisions in the Zoning Ordinance unless otherwise provide in the Outline Plan.

7 SPECIFIC STANDARDS AND CRITERIA FOR RESIDENTIAL PDs - In addition to the general standards and general provisions set forth above, Planned Residential developments shall comply with the following requirements and standards:

- a) Permitted Uses** - Within the residential planned development, the following uses are permitted subject to review of the Planning Commission and approval of the Board of Mayor and Aldermen.
- 1) Any permitted use, accessory use or conditional use allowed in any residential district.
 - 2) In a residential planned development of twenty (20) acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs of the residents.
 - 3) All such commercial areas shall meet the following additional requirements:
 - a) The building design shall be compatible with the remainder of the residential planned development;
 - b) No outside storage shall be permitted unless specifically authorized in the conditions of approval, and trash disposal facilities shall be completely enclosed by walls or materials that complement the buildings;
 - c) Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained a minimum of 15 feet wide which shall not be used for parking and with only driveways crossing the yard. Permanently landscaped side and rear yards of appropriate width shall also be maintained;

- d) Unless otherwise provided in the Outline Plan, any loading service area shall be in the rear of the building; and,
 - e) The Planning Commission and/or Board of Mayor and Aldermen may require other landscaping or design features as needed in order to protect any adjoining or neighboring uses.
- b) **Residential Densities** - Conceptual lot configurations shall be depicted upon residential Outline Plans. Within any PD, the Planning Commission, subject to approval of the Board of Mayor and Aldermen, may authorize an increase in overall residential density within the project area. The base densities which may be increased are as follows:

Table 1: Densities for PD	
Zone	Density
R-1	3.5 units per acre
R-1a	5 units (detached) per acre or 6 units (attached) per acre
R-2	7 units per acre
R-3	16 units per acre
R-4	10 units per acre

- 1) An increase in density not to exceed 15% of the base density of the underlying zoning district may be granted for incorporating any combination of the following elements into the planned development:
 - i The establishment of private usable common open space within the planned development/residential development may be given a 1% density incentive for every 2.5% of the total land area of the development that is set aside as usable common open space, but not to exceed a maximum of a 4% density incentive for establishing a 10% of the total land area of the development as usable open space;
 - ii The construction of any combination of two recreation amenities, including, but not limited to, a playground with durable playground equipment comparable to City specifications for public playground equipment, a club house and/or swimming pool and/or tennis courts that are of suitable size and capacity to adequately accommodate the number of residents within the development, but not to exceed a maximum 4% density incentive;
 - iii The preservation of unique physiographic or environmentally sensitive areas such as wetlands and old-growth wooded areas in a perpetual conservation easement or common open space area but not to exceed a maximum 4% density incentive.
- 2) Provisions which have permitted increases in density granted under this section shall be accomplished at such stages during construction of each development phase as expressly required by the Outline Plan or, if there is no expressed requirement, at such stages as the development staff may require. In every development, however, provisions for increases in density shall be 100% accomplished at the time 50% of the dwelling units per development phase are occupied.

- 3) The Board of Mayor and Aldermen may prohibit or limit an increase in density to avoid the following conditions:
 - i Inconvenient or unsafe access to the planned development;
 - ii Traffic congestion in the streets within or adjoining the planned development;
 - iii An excessive burden on parks, recreation areas, schools, police and fire protection and other public facilities which serve or are proposed to serve the planned development;
 - iv Insufficient public infrastructure to serve the proposed planned development, including, but not limited to, water and sewer systems, streets and traffic signalization and stormwater management systems;
 - v Any condition which might pose a threat to the health, safety or welfare of the residents of the planned development or the general public or frustrate the orderly development of the surrounding area.
 - 4) The developer shall submit documentation, plans and drawings as necessary to justify density increases. The Board of Mayor and Aldermen may decrease or eliminate allowed density increases if it is determined that the developer is not performing as agreed upon in the applicable final site plan.
 - 5) Notwithstanding any provision herein, residential planned developments containing less than ten (10) gross acres of land area shall not be eligible for density increases above the prescribed base density for each residential zoning classification as prescribed in this section.
- c) Accessibility of site** - All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.
- d) Off-street parking** - Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through the use of trees, shrubs, berms and/or hedges and screening walls.
- e) Privacy**
- 1) The residential planned development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the residential planned development.
 - 2) Protection and enhancement of property values and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms, and landscaped barriers.
- f) Yard and bulk requirements** - A residential planned development shall not deviate from the yard and bulk requirements of the base residential zoning classification except as specifically approved by the Board of Mayor and Aldermen. A written justification

for any deviation from the minimum yard and bulk requirements contained in the base residential zoning classification shall be presented by the applicant to the Planning Commission and Board of Mayor and Aldermen for consideration.

8 SPECIFIC STANDARDS AND CRITERIA FOR COMMERCIAL OR INDUSTRIAL PDs - A commercial or industrial planned development may be issued by the Board of Mayor and Aldermen for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and other similar facilities ordinarily accepted as commercial center uses and those industrial uses which can reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria and the provisions set forth herein, commercial or industrial planned development shall comply with the following standards.

- a) **Residential use** - Except for hotels and motels, no buildings shall be designed, constructed, structurally altered or used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises. This provision shall not be applicable in planned development permits approved for mixed uses.
- b) **Display of merchandise** - Unless specifically authorized by an Ordinance of the City, all business manufacturing and processes shall be conducted and all merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way; provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- c) **Accessibility** - The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development.

9 MIXED USE PLANNED DEVELOPMENT

- a) Planned developments which do not qualify as a residential planned development and which are not exclusively for commercial or industrial uses shall be subject to all of the applicable provisions.
- b) Nonresidential land uses within the proposed mixed use planned development shall be oriented in such a manner as to provide suitable buffers of residential land use or common open spaces containing sufficient screening and buffering measures as prescribed in this subchapter.

10 PROCEDURES FOR PLANNED DEVELOPMENT APPROVAL - The provisions of this subchapter govern the procedures for approval of all planned developments provided herein.

a) Pre-application procedures:

- 1) **Pre-application meeting required** - At least two months prior to filing any application for a planned development, the prospective applicant shall request a pre-

application conference with the Planning Staff (staff planner, building official, public works director, public and the police and fire chief.

- 2) **Planning Staff Comments** - To obtain information, each applicant shall confer with the planning staff in connection with the preparation of the planned development application. It shall be the responsibility of the Building Official to contact the planning staff and arrange a joint meeting. The general outlines of the proposal evidenced schematically by sketch plans are to be considered before submission of the planned development application. Thereafter, the Building Official shall furnish the applicant with written comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his or her preparing the components of the planned development application.

- 3) **Neighborhood Meeting Required** - A neighborhood meeting is mandatory prior to the submission of applications for Outline Plan approval of a Planned Development.

The purpose of the neighborhood meeting is to educate owners of nearby lands about the proposed development and application, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible. Neighborhood meetings are encouraged as opportunities for informal communication between owners of nearby lands, applicants, and other residents who may be affected by development proposals.

The neighborhood meeting shall generally comply with the following procedures:

- i **Time and Place** - The neighborhood meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application. It shall be scheduled after 5:00 P.M. on a weekday.
- ii **Notification** - The applicant shall provide notification of the neighborhood meeting a minimum of ten (10) business days in advance of the meeting by mail, to all owners and occupants within five-hundred (500) feet of the land subject to the application, to any neighborhood organization registered with the City of Martin, the Board of Mayor and Aldermen, and the Building Official. The notification shall state the time and place of the meeting.
- iii **Conduct of Meetings** - At the neighborhood meeting, the applicant shall explain the development proposal and application, answer any questions, and respond to concerns neighbors have about the application and proposed ways to resolve conflicts.
- iv **Written Summary of Neighborhood Record of Meeting.** The applicant shall provide to the Building Official (or his or her designee) a written summary of the neighborhood meeting within five (5) business days of its conclusion. The written summary shall include a list of those in attendance, a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information the applicant deems appropriate. The written summary of the neighborhood meeting shall be included with the application materials, and be made available to the public for inspection.
- v **Response to Summary** - Any person in attendance at the neighborhood meeting, within ten (10) business days of the meeting, may submit an additional written

summary stating their understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information they deem appropriate. This written summary may include a response to the applicant's written summary of the Neighborhood Record of Meeting. All written summaries of the neighborhood meeting shall be included with the application materials, and be made available for public inspection.

b) Outline Plan - An Outline Plan shall be submitted to the Planning Commission with the application for the planned development within six months of the pre-application conference and neighborhood meeting. An Outline Plan shall contain all items required by this subchapter and shall include those items that the Planning Commission shall specify in rules published from time to time, as well as the following:

1) Written documents.

- i A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- ii A concise statement of planning objectives to be achieved by the PD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
- iii A development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and be completed. If the planned development is proposed to be constructed in phases or units during a period extending beyond a single construction season, a development schedule indicating:
 - (i). The approximate date when construction of the project can be expected to begin;
 - (ii). The order in which the phases of the project will be built; and,
 - (iii) The minimum area and the approximate location of common open space and public improvements that will be required at each phase.
- iv Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures (except for single-family detached residential structures); approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space); total amount and type of nonresidential construction (including separate figure for commercial or industrial facilities); minimum square footage of heated floor space for residential dwelling units; economic feasibility studies or market analysis where necessary and other studies as required by the Planning Commission.
- v A statement setting forth in detail either:
 - (i) Any exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed planned development; and,
 - (ii) The bulk regulations under which the planned development is proposed.

- vi A tabulation setting forth:
 - (i) Maximum total square feet of building floor area proposed for commercial uses and for industrial uses by general type of use;
 - (ii) Maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial or industrial uses; minimum public and private open space; streets; and off-street parking and loading areas.
- 2) Site plan and supporting maps. A site plan and any maps necessary to show the major details of the proposed PD must contain the following minimum information:
 - i The existing site conditions, including contours at two foot intervals, water courses, flood plains, unique natural features and forest cover;
 - ii Proposed lot lines and plot designs;
 - iii Architectural graphics including typical floor plans and elevations (an exemption from this requirement may be considered for single-family detached residential uses);
 - iv The location and floor area size of all existing buildings, structures and other improvements and proposed non-single family detached residential buildings, structures and other improvements, maximum heights, floor area ratios (for non-residential uses), types of dwelling units (for residential uses), density per type (for residential uses).
 - v The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, school sites and similar public and semi-public uses;
 - vi The existing and proposed circulation system of arterial, collector and local streets, including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate. (Detailed engineering drawings of cross sections and street standards shall be handled in the final site plan stage.) A detailed traffic impact analysis may be required at the discretion of the City.
 - vii The existing and proposed pedestrian and bicycle circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatments of points of conflict.
 - viii The existing and proposed utility systems, including sanitary sewers, storm sewers, water lines and drainage.
 - ix A general landscape plan indicating the treatment of materials used for private and common open spaces.
 - x Enough information on land areas adjacent to the proposed PD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of landscape.

- xi The proposed treatment of the perimeter of the PD, including materials and techniques used, such as screens, fences and walls.
- xii Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PD.
- xii The Planning Commission may, in its discretion, modify or waive any of the informational requirements contained in subsections (a) through (l) in order to reasonably adapt these requirements to a particular planned development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory to the development staff prior to final site plan approval.

c) Outline Plan approval process and effect of approval

- 1) At least 45 days prior to the Planning Commission meeting at which it is to be considered, the owner of the property or his or her agent shall submit to the Planning Commission the Outline Plan and a completed application form and all other information required under this section. The Planning Commission shall review the application and shall recommend to the Board of Mayor and Aldermen to: approve, disapprove or approve the planned development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next meeting.
- 2) Any owner or his or her agent may appeal to the Board of Mayor and Aldermen any recommendation or condition the Planning Commission imposes in the recommendations by filing written notice of appeal at least seven days prior to review by the Board of Mayor and Aldermen. However, the applicant shall submit an Outline Plan incorporating any and all conditions not appealed to the Planning Staff within 90 days after the Planning Commission's decision on the requested planned development or the application shall be deemed withdrawn.
- 3) The Planning Staff shall forward the recommendation of the Planning Commission and any notices of appeal to the Board of Mayor and Aldermen.
- 4) The Board of Mayor and Aldermen shall hold a public hearing on the application for the planned development and the Outline Plan after receipt of recommendations from the Planning Staff and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for a public hearing and shall cause notice thereof to be published in accordance with law at least 15 days prior to the hearing and shall mail written notice to owners of property within 500 feet of the subject project. The Board of Mayor and Aldermen shall render a decision on any appeal and shall approve, disapprove or approve the proposed planned development and Outline Plan subject to conditions and, if approved, shall set forth the conditions imposed.
- 5) The approved Outline Plan shall bind the applicant, owner and mortgagee, if any, and the City of Martin with respect to the contents of such plan. The Outline Plan shall be provided by the applicant in a form suitable for recording and shall be recorded at the Weakley County Register of Deeds after receiving approval from the Board of Mayor and Aldermen.
- 6) The Outline Plan shall be used in lieu of a Preliminary Subdivision Plat to comply with the provisions of the subdivision regulations pertaining to Preliminary Plats.

- 7) The Martin Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.
 - 8) Unless as specified otherwise in this chapter, the approved Outline Plan of the planned development shall control the development of the planned development rather than any other provisions of the Zoning Ordinance. In the absence of an express condition of the planned development, the applicable ordinances and regulations of the City will apply.
- d) Steps of the Approval Process following Outline Plan approval** - Development plans submitted as part of a planned development shall be submitted in a form that will satisfy the requirements of the Subdivision Regulations for subdivision plats or Zoning Ordinance requirements for site plans.
- e) Application for Preliminary Subdivision Plat/Site Plan Approval** - After an Outline Plan has been approved, the landowner shall submit an application to the Planning Commission for approval of a preliminary subdivision plat or preliminary site plan, provided that such plats/plans are in substantial compliance with the Outline Plan. The submission of a preliminary subdivision plat or preliminary site plan will be based on the type of development and will follow the applicable requirements and review procedure for a preliminary subdivision plat or preliminary site plan.
- The preliminary subdivision plat/site plan application shall include a copy of the Outline Plan showing the overall development, any applicable covenants and/or restrictions, conditions, and other required drawings and specifications as set forth by the approval of the Outline Plan.
- f) Construction drawings** - The construction drawings for either the entire development or a phase of the development shall be reviewed by City Engineer in accordance with the subdivision regulations.
- g) Application for Final Subdivision Plat/Site Plan Approval** - After a preliminary subdivision plat/site plan has been approved, the landowner shall submit an application to the Planning Commission for approval of a final subdivision plat or final site plan, provided that such plats/plans are in substantial compliance with the preliminary plat/site plan and the Outline Plan. The submission of a final subdivision plat or final site plan will be based on the type of development and will follow the applicable requirements and review procedure for a final subdivision plat or final site plan.
- The final subdivision plat/site plan application shall include a copy of the Outline Plan showing the overall development, any applicable covenants and/or restrictions, conditions, and other required drawings and specifications as set forth by the approval of the Outline Plan.
- h) Zoning administration; permits** - The Building Official may issue building permits for the area of the planned development covered by an approved final subdivision plat or site plan for work in conformity with an approved final site plan and with all other applicable ordinances and regulations. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the final subdivision plat or site plan of any stage of the planned development unless the open spaces and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowner's Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area

covered by the approved final subdivision plat or site plan if the completed buildings or structures conform to the requirements of the approved final subdivision plat or site plan and all other applicable regulations and ordinances.

- i) **Reapplication if denied** - If any application for a planned development is denied by the Board of Mayor and Aldermen, a reapplication pertaining to the same property and requesting the same or substantially similar planned development may not be filed within 12 months of the date final action was taken on the previous application, unless such reapplication is initiated by the Planning Commission or authorized by the Board of Mayor and Aldermen.
- j) **Procedure for amendment** - A planned development and the approved Outline Plan may be amended in accordance with the procedure which governed its approval as set forth in this section. However, no such amendment shall be required if the applicant only proposes a modification from what has been previously approved, and such modification is determined by the Building Official as minor. As used in this subsection, the term MINOR shall mean slight variations or alterations to the Outline Plan which cannot reasonably be expected to cause a change in the internal function of the site or its off-site impact. The Building Official may authorize minor modifications when same are determined to be consistent with the Outline Plan. A request for a minor modification must be filed with the Planning Staff stating the nature of the request and justification for same, as well as a proposed final site plan illustrating the proposed change, which shall be suitable for official recording in the land records of Weakley County. If the Building Official determines the proposed modification is not minor, the applicant may seek an amendment in accordance with the procedure, which governed the initial approval as set forth in this section.

If a planned development is subdivided, sold, or leased, all the owners of the subdivided, sold, or leased planned development may jointly apply for an amendment to the Outline Plan, which shall be governed by the procedures and requirements contained in this ordinance for the approval of the Outline Plan.

SECTION 6 That all sequential sections following these deletions and additions be renumbered according; and,

SECTION 7 This ordinance shall become effective immediately upon its adoption, the public health, safety and welfare requiring it.

Date of the First Reading _____

Date Public Hearing _____

Date of Final Reading _____

ATTEST:

SIGNED:

Chris Mathis, CPA

Randy Brundige,

City Recorder

Mayor

Alderman Tuck made the motion to approve the first reading of Ordinance O2009-07: An ordinance to amend the Zoning Ordinance of the City of Martin by deleting provisions for PRD (Planned Residential Developments) Districts and PCD (Planned Commercial Developments) and adding provisions for a PD (Planned Development) District thus allowing for Planned Residential, Commercial, Industrial, or Mixed Use Developments, seconded by Alderman Hankins.

Building Inspector Stout explained this is a recommendation from the Planning Commission, which will remove Planned Residential Development and Planned Commercial Development Districts from the Zoning Ordinance by combining them into PD (Planned Development). This will allow Residential, Commercial, Industrial, or Mixed Use Developments, which will include residential and commercial development on larger tracts of land located in the City of Martin. This is an attempt to simplify the regulations and to encourage infill development by outside developers. It allows the developer some leeway regarding set backs and other requirements that we currently have. The Planning Commission and the Regional Planning Office have put a lot of effort into these changes.

Mayor Brundige asked if there were any questions regarding the ordinance. There were no questions. Roll call vote:

VOTE	FOR:	HONORABLE NANNEY HONORABLE HARRISON HONORABLE BELOTE HONORABLE TUCK HONORABLE HANKINS HONORABLE EDWARDS
	AGAINST:	NONE
	ABSENT:	NONE

Mayor Brundige declared Ordinance O2009-07 approved on the first reading and set the second and final reading and the public hearing for September 14, 2009 at 5:15 pm in the City Hall Courtroom.

SEPTEMBER MEETINGS:

Informal City Board Meeting	September 01, 2009
Regular City Board Meeting	September 14, 2009

The Informal City Board meeting was changed from September 07, 2009 to September 01, 2009, because it is a city holiday and Soybean Festival week.

ADJOURN

Alderman Nanney made the motion to adjourn, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

ATTEST:

SIGNED:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

RB: CM/bh
Saved "August 10, 2009"