

ORDINANCE 2021 - 16

AN ORDINANCE TO AMEND TITLE XV, CHAPTER 151, OF THE TOWN OF COLLIERVILLE CODE OF ORDINANCES BY AMENDING § 151.150 THROUGH § 151.160, PLANNED DEVELOPMENTS, § 151.003, DEFINITIONS, AND § 151.210, SINGLE FAMILY DESIGN STANDARDS, RELATED TO PLANNED DEVELOPMENT OVERLAYS.

WHEREAS, it is deemed in the public interest to amend the Town Code from time to time to ensure that it comports with applicable Tennessee law; and,

WHEREAS, the Board of Mayor and Aldermen, consistent with the police powers vested in it by applicable law, has identified a need to update and revise the Town's zoning regulations as it relates to planned development overlays; and,

WHEREAS, the Collierville Planning Commission reviewed the proposed amendment at the regular meeting held on November 4, 2021, and made a recommendation to the Board of Mayor and Aldermen to approve the proposed amendments; and,

WHEREAS, a public hearing before the Board of Mayor and Aldermen was held on December 13, 2021, pursuant to notice thereof published in a newspaper of general circulation within the community on November 25, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE TOWN OF COLLIERVILLE, TENNESSEE, THAT:

Section 1. § 151.150 through § 151.160, Planned Developments, are hereby amended as depicted in Attachment A.

Section 2. § 151.003, Definitions, is hereby amended as depicted in Attachment B.

Section 3. § 151.210, Single Family Design Standards, is hereby amended as depicted in Attachment C.


Section 4. TRANSITIONAL RULES. Any sufficient application for a new planned development or a planned development amendment received prior to the effective date of this ordinance will be reviewed according to the regulations in effect when the application was made. Any sufficient application received on or after the effective date hereof will be reviewed according to amendments specified in this ordinance.


Section 5. BE IT FURTHER ORDAINED that this ordinance shall become effective on February 1, 2022, in accordance with the Charter of the Town of Collierville, the public welfare requiring it.

Passed First Reading: November 22, 2021

Passed Second Reading: December 13, 2021

Passed Third Reading: January 10, 2022


Stan Joyner, Mayor


Lynn Carmack, Town Clerk

NOTE:

New text to be added is in **bold underlined** print.

Text to be deleted is ~~struck through~~.

PLANNED DEVELOPMENTS**§ 151.150 GENERAL.**

This section is intended to provide the rules and regulations 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. It is intended to provide a maximum of 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 through the reduction of lot sizes, the absence of yard and bulk restrictions and the planned mixing of uses. Through the requirements of a development plan, it is the intent that property under this section will 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 increase can be substantiated on the basis that the superior design makes greater densities possible with no material adverse effects.~~ This section is and should not be utilized as a device for making increased densities more acceptable without corresponding benefits or as a means of circumventing the Town's development regulations.

('00 Code, § 11-1101) (Ord. 2000-05, passed 6-11-01; Am. Ord. 2008-17, passed 7-28-08)

§ 151.151 OBJECTIVES AND SIZE REQUIREMENTS.

(A) *Objectives.* The Board of Mayor and Aldermen may, upon proper application, adopt a Resolution permitting a Planned Development **Overlay** (sometimes "PD") to facilitate the use of flexible techniques of land development and site design by providing relief from requirements designed for conventional developments. 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 policies and objectives of the Town Land Use Plan.

(B) (1) *Minimum size requirements.* The minimum required site acreage for a commercial, industrial or mixed-use planned development shall be three acres, unless the Board of Mayor and Aldermen find that one or more of the following conditions exist;

- (a) 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;
- (b) That the property or the surrounding area has a historic character of importance to the community that will be protected by the planned development;
- (c) 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;
- (d) 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
- (e) 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 that would otherwise be provided by a conventional development.

(2) There shall be no minimum site acreage requirement for residential planned developments. ~~However, residential planned developments containing less than ten 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 § 151.156(B).~~

('00 Code, § 11-1102) (Ord. 2000-25, passed 6-11-01; Am. Ord. 2008-06, passed 2-25-08; Am. Ord. 2008-17, passed 7-28-08)

§ 151.152 **RELATIONSHIP BETWEEN PLANNED DEVELOPMENTS OVERLAYS AND BASE ZONING DISTRICTS.**

(A) *Districts permitted and planned developments in the Historic District (H-1).*

(1) Planned developments shall be permitted in all districts except the Forest-Agricultural-Residential ~~District (FAR)~~, **Mobile Home Park (T)**, and **Central Business (CB)**.

(2) For any portion of a planned development located within the Town's Historic District (H-1), the Collierville Historic District Commission shall review the proposed planned development Outline Plan and provide a recommendation to the Board of Mayor Aldermen (this recommendation shall be in addition to the Planning Commission's review and recommendation).

(3) Following adoption of an Outline Plan, approval of a Certificate of Appropriateness by the Historic District Commission shall be required for proposed projects within the Town's Historic District (H-1) including, but not limited to, new construction, alterations, or demolition (in accordance with §§ 151.195 through 151.204). Collierville's Historic District Commission's review capacity shall be in accordance with §§ 151.195 through 151.204.

(B) *Modification of district regulations.* Planned developments may be constructed 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 **overlay** shall be governed by the regulations of the **underlying** 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 **underlying zoning** district requirements or subdivision regulations may be allowed when such proposed modification will result in:

(a) Inadequate or unsafe access to the planned development.

(b) Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity;

(c) 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;

(d) An undue detrimental effect upon surrounding properties;

(e) A development which will be incompatible with the purposes of this subchapter and goals of the Town's Land Use Plan, 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, **the minimum bulk requirements as established in § 151.156 (F)**, 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 **underlying** 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 Town will apply.

('00 Code, § 11-1103) (Ord. 2000-25, passed 6-11-01; Am. Ord. 2008-17, passed 7-28-08)

§ 151.153 **COORDINATION WITH SUBDIVISION REGULATIONS.**

(A) 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 Collierville Planning Commission and approval of the Board of Mayor and Aldermen.

(B) 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.

(C) The development plans for planned developments must be submitted in a form 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.

§ 151.154 GENERAL STANDARDS AND CRITERIA.

(A) 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.

(B) *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 Land Use Plan and any adopted Area Plan for the town (subject to division (B)(2) of this section);

(2) *Exceptions due to substantially changed or changing conditions.* If not in conformance with the adopted Land Use Plan and an adopted Area Plan for the Town, 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.

(a) 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.

(b) Architecture and building materials shall be consistent within the design of the development and compatible with surrounding properties and/or adjacent neighborhoods.

(7) *Transitions.* Any planned development district 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 **should follow the recommendations of the Land Use Plan but** shall not exceed **the** maximums established in **§ 151.156 (B) Land-Use Plan (subject to division (B)(2))**. 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.* Height in a planned development 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.

(13) *Environmental Conservation.* Planned development districts shall provide environmental enhancements, such as Leadership in Energy & Environmental Design (LEED) certification from the U.S. Green Building Council to promote sustainable building design and construction including but not limited to, sustainable neighborhood development, sustainable site development, green roofs, water savings, energy efficiency, materials selection, and indoor environmental quality.

(C) 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 Town of Collierville.

(^ 00 Code, § 11-1105) (Ord. 2000-25, passed 6-11-01; Am. Ord; Am. Ord. 2008-17, passed 7-28-08)

§ 151.155 ADDITIONAL PROVISIONS.

The following general provisions shall apply to any planned developments overlays created by Resolution by the Board of Mayor and Aldermen.

(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. Variances Exceptions to the requirements of both regulations 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 process of a planned development.

(C) *Ownership and division of land.* No tract of land may be considered for or approved as a new 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 the PD that is subdivided, sold, or leased that will violate the Outline Plan for the PD.

(D) *Professional design.*

(1) The Collierville Planning Commission shall not consider any development plan for any proposed planned development, nor shall the Collierville 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) An Outline Plan shall be certified that in addition to a licensed civil engineer, the services of one or more of the following professionals were utilized in the design and planning process:

(a) An urban planner who possesses the education and experience to qualify for membership in a recognized professional planning association;

(b) A practicing landscape architect licensed by the State of Tennessee;

(c) A practicing architect licensed by the State of Tennessee.

(3) A final site plan or subdivision plat shall certify that the series of one of the professionals indicated in subsections (a), (b) or (c) were utilized in the preparation of the final plan/plat.

(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:

(a) 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.

(b) 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.

(c) The commencement of actual construction of any phase of the planned development shall be governed by the provisions of this chapter.

(2) *Inactive planned developments.*

(a) ~~If a preliminary subdivision plat or preliminary site plan has not been acted upon by the Planning Commission the applicant has not entered into a Development Agreement with the Board of Mayor and Aldermen and commences site preparation within three years within one year~~ of the approval, by resolution, of the Outline Plan by the Board of Mayor and Aldermen;

~~—(b) If a final subdivision plat or final site plan has not been acted upon by the Planning Commission with one year of the approval of the Planning Commission's approval of a preliminary subdivision plat or preliminary site plan;~~

~~—(c) If the development contract is not approved and executed within three years following final subdivision plat or final site plan approval; or~~

~~—(d) At any time the planned development or any phase of the planned development has not been developed according to a schedule.~~

(e) The Planning Commission, consistent with the Vested Property Rights Act, Tenn. Code Ann. § 13-4-310, shall give notice by certified mail to the owner and applicant who requested the planned development and shall schedule a public hearing to take any of the following actions:

1. Recommend extending, removing, or modifying the schedule for development;
2. Recommend amendments to the Outline Plan;
3. Recommend revocation of the Planned Development; and/or
4. Recommend rezoning of the property to its former zoning classification.

~~(f)~~ (b) After receiving the Planning Commission's recommendation(s), the Board of Mayor and Aldermen shall hold a public hearing 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 reapproval 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) At least twenty (20) percent of the gross site acreage shall be comprised of Common Open Space ~~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.~~ Of the gross site acreage, 9% of Residential, Mixed Use, or Seniors Housing Planned Developments and 3% of Commercial Planned Developments shall be designed as Usable Open Space. Usable Open Space shall not be required in Industrial Planned Developments. This is a separate requirement from the minimum pervious area or the Common Open Space requirements; however, Usable Open Space can be counted towards those requirements.

(a) To be eligible for meeting the Usable Open Space requirement, each individual Usable Open Space in a nonresidential or mixed-use development shall have an area of at least 2,500 square feet. Each individual Usable Open Space in a residential development shall have an area of at least 5,000 square feet (see also Appendix V of the Design Guidelines for how to measure Usable Open Spaces).

(b) Usable Open Spaces must be clearly delineated on plans submitted to the Town for review and calculations must be provided separately from the minimum pervious area. To be considered "Usable" Open Space, the portion(s) of the site must be classified as either Active Recreational Areas or Formally Planned Areas as defined in § 151.003.

(c) The following are not appropriate to be considered as "Usable" Open Space unless they support passive recreation uses by providing access, gentle slopes of no steeper than four-to-one (4:1) and include pedestrian elements such as paths and benches:

1. Natural hazard areas such as floodplains, floodways, slopes exceeding 14 percent, and areas with soils unsuited to development;
2. Wetlands, drainage canals, lakes, ponds, streams, and rivers;
3. Prime agricultural lands, including existing pastures (in use or otherwise);
4. Woodland forests, natural fields, and meadows;
5. Wildlife habitat areas for threatened and endangered species;
6. Cultural resources such as graveyards, battlefields, or other archaeologically significant areas; and
7. Certain stormwater management devices. Up to one-half of the land area occupied by stormwater management systems, including retention/detention basins, and other bio-retention devices may be counted as usable open space when such features are treated as a site amenity.

(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 ~~Collierville Planning Commission~~ Board of Mayor and Aldermen 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 ~~Collierville Planning Commission~~ Board of Mayor and Aldermen 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:

(a) 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

(b) Conveyed to an organization for ownership and maintenance subject to the following:

1. The Collierville Planning Commission and the Collierville 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 Town of Collierville and the dedication be approved by the Board of Mayor and Aldermen;

2. 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 Town 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 Town shall call upon all the owners of property within the PD to maintain the common open space, and, in default thereof, the Town may maintain same;

3. The cost of such maintenance by the Town 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;

4. If the common open space is deeded to a Homeowners' and/or Property Owners' Association, the developer shall file with the ~~Development Department~~ Planning Commission a declaration of covenants and restrictions that will govern the association to be submitted with the application for preliminary subdivision ~~plan plat~~ or ~~preliminary~~ site plan approval (if applicable). The Town 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;
- 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 ~~Collierville Planning Commission and the~~ Collierville Board of Mayor and Aldermen may, as a condition of approval, require that suitable areas for streets, public rights-of-way, schools, parks and other 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 Town of Collierville for private and public improvements in accordance with the applicable provisions of the Subdivision Regulations and Zoning Ordinance. The security shall insure 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 Town 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 Town of Collierville Board of Mayor and Aldermen relative to all required improvements as regulated by the Subdivision Regulations or § 151.311 Site Plan Review.

(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 as to have access 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 so 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 Town Engineer. If no agreement between the developer and the Town Engineer can be reached, then private streets must be designed and built according to the Town of Collierville's Subdivision Regulations Construction Manual.

(L) *Pedestrian and Bicycle movement.*

(1) Access for pedestrians and bicyclists shall be arranged to provide safe, convenient routes and need not be limited to the vehicular access points. To the maximum extent feasible, plans for proposed developments shall separate movement of pedestrians from movement of vehicles and bicycles, and protect bicyclists from conflicts with vehicles.

(2) Where complete separation of movement of pedestrians from movement of vehicles and bicycles is not possible, plans shall minimize potential hazards by using special paving, grade separations, pavement parking, signs, striping, bollards, median refuge areas, traffic calming features, landscaping, lighting, or other means to clearly delineate pedestrian areas for both day and night use.

(3) Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to accommodate anticipated pedestrian and bicycle traffic volumes. A shared walkway shall have a minimum width of eight feet. In areas or on shared walkway segments with heavy use, the width should be increased to a minimum of ten feet.

(M) *Comprehensive sign policy.*

(1) *Applicability.* A comprehensive sign policy, to be enforced by the property owner or his/her designee, shall be required for all planned developments outlining color, type, illumination, size and location of all development signage. A proposed sign policy for a planned development shall be included in the outline plan and approved by the Board of Mayor and Aldermen after a recommendation by the Planning Commission and the Design Review Commission.

(2) *Procedures.*

(a) The developer shall submit a proposed comprehensive sign policy for all signage within the Planned Development to the Planning Commission as part of the planned development outline plan. The Design Review Commission shall review the sign policy prior to approval of the planned development outline plan by the Board of Mayor and Aldermen. The Town's role in reviewing signage shall be only as it relates to the Town's adopted sign ordinance and design guidelines.

(3) *Requirements.*

(a) Signage shall be consistent in color, size, material, location, and design throughout each planned development.

(b) Signage within any planned development shall be consistent with the Town's adopted sign ordinance and guidelines and shall be reviewed administratively.

(4) *Modifications of standards for signage.* The Design Review Commission or Planning Commission may not waive any zoning ordinance provisions related to signage through a comprehensive sign policy. Only the Board of Mayor and Aldermen, through an approved planned development, or the Board of Zoning Appeals through a variance may waive any zoning ordinance provisions.

(N) *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 ~~Development Department Town Engineer~~ for review pursuant to § 151.311 Site Plan 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.

(O) *Signs.* Signs permitted in the PD shall be as permitted by the underlying district and regulated by the "Collierville Sign Ordinance" set forth in §§ 151.170 through 151.183.

(P) *Accessory off-street parking and loading.* Accessory off-street parking and loading in the PD shall be regulated by §§ 151.115 through 151.117 unless otherwise provided in the Outline Plan.

('00 Code, § 11-1106) (Ord. 2000-25, passed 6-11-01; Am. Ord. 2008-17, passed 7-28-08; Am. Ord. 2010-01, passed 8-23-10)

§ 151.156 SPECIFIC STANDARDS AND CRITERIA FOR RESIDENTIAL PLANNED DEVELOPMENTS.

In addition to the general standards and general provisions set forth above, planned residential developments shall comply with the requirements and standards which follow.

(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 100 acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs of the residents, provided that such commercial areas shall not exceed 1.5 acres.

(3) All such commercial areas shall meet the following additional requirements:

(a) Access from public streets shall be from major or collector streets as shown on the most recent Major Road Plan;

(b) The building design shall be compatible with the remainder of the residential planned development;

(c) 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;

(d) 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;

(e) Unless otherwise provided in the Outline Plan, all signs advertising the nature or names of the businesses shall be constructed flat against the walls of the buildings and shall not extend above or beyond any wall of the building; and one such sign shall be permitted for each business located therein, provided that such sign(s) shall meet the size requirements of the sign regulations set forth in §§ 151.170 through 151.183;

(f) Unless otherwise provided in the Outline Plan, any loading service area shall be in the rear of the building;

(g) 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) Maximum Net Residential densities and Conceptual Lot Layout. Conceptual lot configurations, including approximate location of lot lines and streets, shall be depicted upon residential Outline Plans. The maximum net residential density shall be determined by the Board of Mayor and Aldermen after a recommendation from the Planning Commission; however, the maximum density shall not exceed the following based upon the underlying zoning district: ~~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~~

<u>Zone Base Zoning District</u>	<u>Maximum Net Residential Density</u>
R-L	0.30 units per acre
R-L1	0.5 units per acre
R-25	1.75 units per acre
R-1	2.10 units per acre
R-1A	2.59 units per acre
R-2	2.90 units per acre
R-2A	3.20 units per acre
R-3	3.63 units per acre
R-3A	5.44 units per acre
R-4	6.00 units per acre
R-TH	6.00 units per acre
<u>TN</u>	<u>6.00 units per acre</u>
<u>NC</u>	<u>6.00 units per acre</u>
<u>MU</u>	<u>6.00 units per acre</u>

—(1) An increase in density not to exceed 16% of the base density of the underlying zoning district may be granted for incorporating any combination of the following elements into the planned development:

—(a) 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;

—(b) The construction of any combination of two recreation amenities, including, but not limited to, a playground with durable playground equipment comparable to Town 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;

—(c) 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; and/or

—(d) A residential development may be given a 1% density incentive for each additional 10% of street trees, ornamental trees and shrubbery planted in excess of required plant materials (street trees, ornamental trees and shrubs) required by Town regulations. The additional plant materials must be planted along streetscapes, entrances and/or common open spaces for maximum visual effect.

—(e) Density incentives shall not be granted for design elements that are already design elements and/or improvements required by this subchapter and/or the Collierville Design Guidelines Manual. Amenities to be used in common by property owners must be on land owned by a property owner's association which shall have the obligation to perpetually maintain same.

—(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:

—(a) Inconvenient or unsafe access to the planned development;

~~—(b) Traffic congestion in the streets within or adjoining the planned development;~~

~~—(c) 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;~~

~~—(d) 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;~~

~~—(e) 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 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 division (B) of 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 approved by the Board of Mayor and Aldermen **and as limited below**. 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.

(1) For planned developments with ten (10) or more dwellings, at least forty (40) percent of the lots for the Single Family Detached dwellings shall fully comply with the minimum yard and bulk requirements for the underlying zoning district. These lots shall be distributed throughout the development and not concentrated within one area.

(2) In no case shall the yard and bulk requirements of single family detached lots be reduced below the standards listed in the table below or encroachments into required yards for residential uses be altered from the requirements of §151.005.

Minimum Single Family Detached Yard and Bulk Requirements in Planned Developments				
<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>	<u>Minimum Front Yard [1]</u>	<u>Minimum Side Yard [1]</u>	<u>Minimum Rear Yard [1]</u>
<u>6,000 sq. ft.</u>	<u>50 ft.</u>	<u>16.5 ft. (standard 50-foot right-of-way)</u> <u>26 feet (31-foot alternative right-of-way)</u>	<u>5 ft.</u>	<u>20 ft. [2]</u>

Footnotes:

- [1] Appurtenances such as porches, bay windows, eaves, chimneys, and fire escapes, are permitted to encroach into required yards/setbacks per §151.005.
[2] See § 151.210 (C)(13) for the required garage setback from an alley.

(G) *Design.* The following design standards shall be applied to all single-family dwellings or buildings containing more than one dwelling unit.

(1) *Garages.* Garage fronts shall be de-emphasized and not be the most prominent architectural feature of any dwelling in the development.

(2) *Developmental entrances.* Customized entrances shall be provided at all streets intersecting a thoroughfare or collector. Such locations may include a sculpture, monument signage, special landscaping, specialty pavement, enhanced fence or wall details, boulevard median or other similar treatment. The extent of such features shall match the scale of the proposed development (more significant features shall be required for larger developments).

(3) *Single Family Design Standards.* All single-family dwellings shall comply with the Single-Family Design Standards found in §151.120.

(4) *Attached Dwelling Standards.* All attached dwellings shall comply with the applicable design guidelines of the Design Review Commission or Historic District Commission, as applicable.

('00 Code, § 11-1107) (Ord. 99-26, passed - -; Am. Ord. 2000-05, passed 6-11-01; Am. Ord. 2000-25, passed 6-11-01; Am. Ord. passed 5- -02; Am. Ord. 2008-17, passed 7-28-08; Am. Ord. 2016-06, passed 6-27-16)

§ 151.157 SPECIFIC STANDARDS AND CRITERIA FOR COMMERCIAL OR INDUSTRIAL PLANNED DEVELOPMENTS.

A Resolution permitting 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 in §§ 151.150 through 151.155, 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 Town, 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.

('00 Code, § 11-1108) (Ord. 2000-25, passed 6-11-01; Am. Ord. 2008-17, passed 7-28-08)

§ 151.158 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 of §§ 151.150 through 151.157.

(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 and the Design Guidelines Manual.

('00 Code, § 11-1109) (Ord. 2000-25, passed 6-11-01; Am. Ord. 2008-17, passed 7-28-08)

Editor's note:

As written, section 4 of Ordinance No. 2005-12 calls for the creation of a new § 151.158B between §§ 151.158 and 151.159. In order to retain current numerical formatting of the code, the provisions of section 4 of Ordinance No. 2005-12 were added as § 151.159. Consequently, former § 151.159 has been renumbered as § 151.160.

§ 151.159 SPECIFIC STANDARDS AND CRITERIA FOR SENIORS HOUSING PLANNED DEVELOPMENTS.

(A) It is the intent of these provisions to recognize the need within the Town for dwellings and facilities which are designed to meet the physical and social needs of older persons.

(B) In addition to the applicable standards and criteria and the provisions set forth in §§ 151.150 through 151.155, Seniors Housing Planned Developments (SHPD) shall comply with the following standards:

(1) *Effect of development and/or use pursuant to SHPD regulations.* Any site developed or used pursuant to SHPD regulations shall not thereafter be used for any purpose other than those permitted uses allowed in this chapter unless the BMA expressly allows specific uses in the Planned Development Outline Plan.

(2) *Eligibility.* Housing which qualifies for inclusion in this zone is development providing housing specifically designed for the needs of seniors. A minimum of 90% of the occupied dwelling units must be occupied by at least one person 55 years of age, or older, and complies with all standards of the Fair Housing Act, 42 U.S.C., Sections 3601 *et seq.* and the rules issued thereunder, as amended from time to time, the Housing for Older Persons Act, and the Tennessee Fair Housing Act, Tenn. Code Ann. § 4-21-602, as amended from time to time.

(3) *Impact of use.* The impact of the use will be substantially equivalent to those impacts produced by uses otherwise allowed for land within the underlying zoning classification, with consideration given to the type of dwelling units, number of dwelling units, the probable number of residents and the demand on public facilities and services generated.

(4) The location, size, design, and operating characteristics of the use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding area, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of municipal services; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impacts of the use.

(5) The location, design, and site planning of the use shall provide a convenient and functional living, working, shopping, or civic environment. New Seniors Housing Planned Developments shall be located within a 1/4-mile radius of a commercial node or public park.

(6) The use will be so located as to provide residents easy access to community services such as shopping, transportation, and other daily services. There should also be provided a generous amount of easily accessible activity facilities, both indoors and outdoors, for residents.

(7) *Permitted uses.* The following uses shall be permitted in a Seniors Housing Planned Development:

(a) A variety of housing types exclusively addressing the needs of older persons, including, but not limited to: adult care facility, assisted living facility, Continuing Care Retirement Community (CCRC), Independent Living Senior Housing Complex, health clinic, hospital, nursing home facilities, and observation rehabilitation center.

(b) *Accessory uses.* The following shall be permitted for the convenience of the residents and their guests, but not for the general public, with no exterior signage allowed. Accessory uses include, but are not limited to, the following:

1. Banking facility.
2. Beauty and/or barber shops.
3. Central dining facilities.
4. Convenience retail shop.
5. Chapel/place of worship.
6. Pharmacy.

(8) *Minimum tract area.* The minimum tract area within a planned development designated as a SHPD shall be contained in a contiguous parcel of land comprising a total area of at least three acres.

(9) *Development density.* The location, size, design, and operating characteristics of the use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding area, in no case shall the density of development exceed the following (based on the height of the building):

Stories	Dwelling units/acre
1	10
2	15
3	20

(10) *Single-family detached dwelling units.* Single family detached dwelling units may be situated on individual lots, may be part of a detached condominium regime, or may be separate rental units. Single family detached projects require a minimum tract area of ten acres. If separate lots are created, each lot shall not be less than 7,200 square feet. In the case of single-family detached dwellings, the density of a district may not exceed one dwelling unit for each 7,200 square feet of lot area.

(11) *Required frontage.* The planned development shall have a minimum of 200 feet of frontage on an existing or proposed collector or arterial road.

(12) *Special dwelling standards.* Notwithstanding any other provision of this code, the minimum floor area for each dwelling unit for seniors housing use shall be no less than the following:

- (a) Studio/efficiency units 400 square feet
- (b) One-bedroom units 525 square feet
- (c) Two-bedroom units 700 square feet

(13) *Outdoor/indoor recreational area requirement.* An area or areas for outdoor recreational purposes shall be set aside exclusively for the use of the occupants and their guests unless the site is located within 200 feet of a park or recreational area available to the general public and access to said park or recreational area is not separated by a freeway, arterial and/or collector road. These areas may include, but are not limited to, sitting areas and group game areas. Such areas shall be shown on the site plan. A minimum of 150 square feet of outside recreation per dwelling unit must be provided, improved, constructed and maintained at the expense of the owner/landlord or homeowners' association. Walkways, driveways, parking areas, and landscaped areas for non-recreational purposes shall not be deemed to satisfy the requirements of this section. In addition, a minimum of ten square feet per dwelling unit of indoor recreational area must also be provided. Such area shall not be used for storage or any such similar purpose and shall be available to all occupants and their guests. The indoor recreational area shall be central to the entire facility and may be either attached to a residential building or be in the form of a multipurpose community building or buildings with rooms sufficient to accommodate indoor recreational facilities, social gatherings, meetings, and like functions.

(14) *Special design standards.* Seniors Housing Planned Developments shall graduate building height, scale, and mass through utilization of the following methods. If an applicant demonstrates innovative land planning and design techniques to break up the scale of a building so as to complement existing development patterns, the BMA may approve a modification of these regulations pursuant to § 151.152(B). The applicant must provide written justification to support any waiver requests.

(a) A structure shall not exceed 45 feet in height. An additional building setback of at least ten feet shall be provided for each foot in additional building height above 35 feet.

(b) A building face or wall shall not exceed 200 feet along its longest length.

(c) Buildings with more than two stories shall be stepped down at the edges of the structure(s) to aid in transitions between buildings and reduce the mass of the buildings.

(d) Building roofs shall be articulated by smaller planes or roof elements. A minimum of two roof breaks (roofs that turn a corner or change elevation) will be provided on all buildings.

(e) A minimum of 45% of the gross site area shall be landscaped.

(f) At the edge of a zoning district where the adjacent district has a lower maximum building height, buildings shall transition in height using the following methods:

1. Building step-backs to reduce the bulk of a building's upper floors with no portion of a building exceeding 35 feet within 200 feet of the adjacent district;

2. Dividing buildings within 200 feet of the adjacent district into smaller parts, including detached buildings, to reduce effective visual bulk and to maintain the scale and rhythm of the existing pattern of development; and

3. A 50-foot wide vegetative buffer provided along the adjoining zoning district.

(g) Along a perimeter collector and/or arterial street, Seniors Housing Planned Developments shall provide either:

1. The primary pedestrian entrance and front facade of the perimeter buildings oriented towards the public street with any building having a setback of at least 200 feet from the nearest travel lane of adjacent public roads (per the Major Road Plan), and provide the applicable front yard buffer requirements in the Design Guidelines (Appendix I!); or

2. A 50-foot or greater front yard buffer (measured from the edge of curb) intended to screen the development from view from the public realm. Within the front yard buffer a minimum 50% opaque brick or stone wall with a minimum of six feet in height, the required street trees, and

evergreen shrubs, shall be provided. The wall must be set back at least 10 feet from a public sidewalk and have columns spaced no farther than 50 feet on center.

(h) Separate buildings shall be clustered around usable open spaces **provided pursuant to § 151.155(F)**.

(i) Building facades shall be comprised of brick or stone for a minimum of 75% of the net facade area (excluding windows and doors). The remaining trim and accent materials shall be as regulated by the Design Guidelines (Chapter IV).

(15) *Yard requirements.* The basic yard regulations appearing below apply to structures within a SHPD unless otherwise regulated by § 151.159(B)(14):

- (a) Front yard 40 feet
- (b) Side yard 50 feet
- (c) Rear yard 50 feet

(16) *Off-street parking and loading requirements.* Off-street parking and loading requirements shall be based on the type of dwelling units proposed. Minimum requirements are as follows:

<i>Use</i>	<i>Loading berths (code #)</i>	<i>Square feet of bldg for which a parking space must be provided</i>	<i>Other requirements</i>
Independent living senior housing complex	1		Parking shall be set by the Town based on a qualified Parking Generation Study provided by the applicant, but in no case shall be less than a minimum of 0.5 spaces per dwelling unit
Assisted living	1		Parking shall be set by the Town based on a qualified Parking Generation Study provided by the applicant, but in no case shall be less than a minimum of 0.35 spaces per dwelling unit which is inclusive of parking for residents, employees and visitors.
Nursing Home	5		Parking shall be set by the Town based on a qualified Parking Generation Study provided by the applicant, but in no case shall be less than a minimum of 0.35 spaces per dwelling unit which is inclusive of parking for residents, employees and visitors.

(17) *Minimum safety standards.*

(a) Each health care unit shall contain or be adjustable to contain conveniently accessible emergency signal facilities, located three to four feet above floor level, and shall register a signal at a central location to permit 24-hour per day monitoring. Each independent living senior housing and assisted living unit shall be provided with a personal emergency response system with the ability to signal the central facility for an emergency with 24-hour per day monitoring.

(b) Notwithstanding any other provision in the Code of Ordinances, all residential units and public spaces shall have smoke detectors and be sprinkler protected with a system approved by the Town Fire Marshal.

(18) *Seniors use guarantees.* Prior to the execution of a development agreement, the applicant shall provide documentation limiting the use of the project to seniors housing exclusively and vesting in the Town the right to enforce such limitation until and unless it determines that any proposed alternate use complies fully with regulations pertaining to the underlying district. All such documentation shall be in a form satisfactory to the Town Attorney.

(Ord. 2005-12, passed 12-12-05; Am. Ord. 2008-17, passed 7-28-08; Am. Ord. 2018-02, passed 8-14-18)

§ 151.160 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 Department of Development Services.

(2) *Town planner to provide comments.* To obtain information, each applicant shall confer with the Town Planner and interested department heads in connection with the preparation of the planned development application. It shall be the responsibility of the Town Planner to contact these department heads 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 Town Planner 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~~**after** the submission of ~~applicants an application for Outline Plan approval of~~ a Planned Development **Overlay. The neighborhood meeting shall take place at least 14 days prior to consideration by the Planning Commission.**

(a) The purpose of the neighborhood meeting is to educate owners of nearby lands about the proposed development and application, receive comments, **and** 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.

(b) The neighborhood meeting shall generally comply with the following procedures:

1. *Time and place.* The neighborhood meeting shall be held **either** at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application **or virtually online**. It shall be scheduled after 5:00 p.m. **and on a Monday, Tuesday, Wednesday, or Thursday and not on a day when Town Hall is closed for a holiday on a weekday.**

2. *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 500 feet of the land subject to the application, ~~to any neighborhood organization registered with the Town,~~ the Board of Mayor and Aldermen, and the Town Planner. The notification shall state the time and place of the meeting.

3. *Conduct of meetings.* At the neighborhood meeting, the applicant shall explain the development proposal and application, answer any questions, and attempt to respond to concerns neighbors have about the application **and proposed ways to resolve conflicts.**

4. *Written summary of neighborhood record of meeting.* The applicant shall provide to the Town Planner (or his or her designee) a written summary of the neighborhood meeting ~~within five business days of its conclusion.~~ The written summary shall include a list of those in attendance **and a copy of any information shared with the attendees by the applicant, 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,~~ **provided within 7 days of the meeting** and be made available to the public for inspection.

~~5. *Response to summary.* Any person in attendance at the neighborhood meeting, within ten 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.~~ **The Development Director shall have the authority to promulgate and publish standards and policies for the review of Outline Plans, as needed.** 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.*

(a) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.

(b) 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.

(c) ~~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:

~~1. The approximate date when construction of the project can be expected to begin;~~

~~-2.1.~~ The order in which the phases of the project will be built; and

~~-3.2.~~ The minimum area and the approximate location of common open space and public improvements that will be required at each phase.

(d) 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.

(e) A statement setting forth in detail:

1. 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

2. The bulk regulations under which the planned development is proposed.

(f) A tabulation setting forth:

1. Maximum total square feet of building floor area proposed for commercial uses and for industrial uses by general type of use;

2. 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~~ **Conceptual Lot Layout/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:

(a) The existing site conditions, including contours at two foot intervals, water courses, flood plains, unique natural features and forest cover;

(b) Proposed lot lines and plot designs;

(c) Architectural graphics including typical floor plans and elevations (an exemption from this requirement may be considered for single-family detached residential uses);

(d) The location and floor 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);

(e) 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;

(f) 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 **street** ownership, public or private, should be included where appropriate, along with **detailed engineering drawings of cross sections and street standards if exceptions from the sections in the Subdivision Regulations are requested**. (~~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 Town **Engineer**.

(g) The existing and proposed pedestrian and bicycle circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatments of points of conflict.

(h) The existing and proposed utility systems, including sanitary sewers, storm sewers, water lines and drainage.

(i) A general **landscape open space** plan indicating the treatment of materials used for private ~~and~~ common open spaces, **including any buffer yard plates along streets or between uses**.

(j) 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.

(k) The proposed treatment of the perimeter of the PD, including materials and techniques used, such as screens, fences and walls.

(l) Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PD.

(m) The **Planning Commission Development Director** 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 Town staff prior to final site plan approval of a Development Agreement.

(C) *Outline Plan approval process and effect of approval.*

(1) At least ~~45~~ **60** 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 a Outline Plan incorporating any and all conditions not appealed to the Department of Development Services within 90 days after the Planning Commission's decision on the requested planned development or the application shall be deemed withdrawn.

(3) The Department of Development Services 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 Department of Development Services 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 Town of Collierville 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 Shelby 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 Sketch Plat to comply with the provisions of the subdivision regulations pertaining to Sketch Plats.

(7) The Collierville 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 this chapter. In the absence of an express condition of the planned development, the applicable ordinances and regulations of the Town will apply.

(D) *Steps of the approval process following Outline Plan approval.* Development plans submitted as part of the planned development shall be submitted in a form that will satisfy the requirements of the Subdivision Regulations for subdivision plats or zoning requirements for site plants.

(E) (1) *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.

(2) 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 the Town Engineer in accordance with the subdivision regulations.

(G) (1) *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.

(2) 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 any other required drawings and specifications 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 18 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) (1) *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 Town Planner 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 Town Planner 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 Department of Development Services 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 Shelby County. **Before a minor planned development amendment is recorded, the Board of Mayor and Aldermen shall review and affirm the determination of the Town Planner.** If the Town Planner determines the proposed modification is not minor **or the determination is not affirmed the Board of Mayor and Aldermen,** the applicant may seek an amendment in accordance with the procedure which governed the initial approval as set forth in this section.

(2) 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 chapter for the approval of the Outline Plan.

('00 Code, § 11-1110) (Ord. 2000-25, passed 6-11-01; Am. Ord. 2006-08, passed 7-10-06; Am. Ord. 2008-17, passed 7-28-08)

NOTE:

New text to be added is in **bold underlined** print.

Text to be deleted is ~~struck through~~.

ACTIVE RECREATIONAL AREAS. Land occupied by active recreational uses/purposes, such as pools, ball fields, playgrounds, tennis courts, pedestrian trails, and clubhouses.

BASE ZONING. The underlying, existing zoning district, depicted on the official zoning map, over which a planned development (PD) is placed. The base zoning requirements and land uses apply in a PD unless the approved overlay zone amends those requirements.

BLOCK FACE. The portion of a block measured along the adjacent edge of the travel way between two intersecting streets.

CONCEPTUAL LOT LAYOUT (CONCEPT PLAN). A depiction of the existing and proposed improvements, including developable lots, streets, and open space areas, that are contemplated within a development.

COMPREHENSIVE SIGN POLICY. A document that is part of a planned development (PD) that establishes a unified design theme and standards for signage within the development and regulates signage color, type, material, illumination, size, and location.

DENSITY, GROSS RESIDENTIAL. ~~RESIDENTIAL DENSITY shall be measured by the~~The number of dwelling units per net gross acre, unless noted otherwise. ~~Net acre of land shall not include land required for public street rights-of-way and other publicly dedicated improvements such as parks, greenbelts, open space, and storm water detention and retention facilities.~~

DENSITY, NET RESIDENTIAL. The number of dwelling units per acre, which excludes land required for public street rights-of-way and other publicly dedicated improvements such as parks, greenbelts, open space, and storm water detention and retention facilities, unless otherwise noted.

FORMALLY PLANNED AREAS. Formally planned and regularly maintained areas, including arranged plantings, gardens, gazebos or similar structures, fountains, sculpture, and other forms of public art, squares, forecourts, plazas, private parks, or private greenbelts. Such areas contain certain features such as plantings, seating areas, and lighting and have a sense of enclosure created through the use of a hedge, low fencing, the arrangement of buildings, or bollards.

OUTLINE PLAN. A recorded document that regulates a PD and includes, at a minimum, specific written documentation including a legal description of the entire site, a statement of planning objectives, a development phasing schedule, quantitative data, exceptions from the zoning and subdivision regulations, bulk requirements, a tabulation of uses and land areas, and references to other binding documents (e.g., pattern book) adopted with the approval of the PD. An outline plan also includes drawings that depict the area of development, common open spaces, vehicular and pedestrian circulation, road cross sections, landscape plates, and perimeter landscaping and screening. Approved Outline Plans are considered to be an approved "preliminary development plan" for purposes of T.C.A. § 13-4-310(e).

OVERLAY OR OVERLAY ZONE. A regulatory tool that creates a special zoning district, placed over an existing base zone(s), which identifies special provisions that apply to the subject property in addition to those in the underlying base zone. The overlay district can share common boundaries with the base zone or cut across base zone boundaries.

PATTERN BOOK. The design guidelines that establish requirements for the character, building design and landscape elements of a PD.

PRELIMINARY DEVELOPMENT PLAN. See VESTED PLAN.

USABLE OPEN SPACE. An outdoor area designed and used for outdoor living, active or passive recreation, pedestrian access, or landscaping. Such areas are readily accessible to all residents and their guests and effectively separated from automobile circulation and parking. Usable open spaces are classified as either an Active Recreational Area or a Formally Planned Area.

VESTED PLAN. In accordance with T.C.A. § 13-4-310, as said statute may be amended from time to time, the following, if approved, shall constitute a “preliminary development plan” for purposes of said statute:

(1) Outline Plan;

(2) Preliminary Plat;

(3) Final Plat (when a Preliminary Plat was not required);

(4) Preliminary Site Plan; and,

(5) Final Site Plan (when a Preliminary Site Plan was not required).

YIELD PLAN. A conceptual lot layout, drawn to an engineering scale, used to demonstrate the maximum number of lots or dwelling units that can be developed on a site by applying the minimum lot size, minimum lot width, and other dimensional requirements and other applicable provisions of the Zoning Ordinance for the underlying zoning district in which the subject property is located and the Subdivision Regulations.

NOTE:

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Text to be deleted is ~~struck through~~.

§ 151.210 SINGLE FAMILY DESIGN STANDARDS.

(A) *Purpose and intent.* The single family design standards are intended to protect and preserve the quality and character of the built environment for single family detached neighborhoods in certain zoning districts within the Town. More specifically, the purposes of this section are to:

- (1) Encourage high quality development as a strategy for investing in the Town's future;
- (2) Preserve and enhance the character of the parts of downtown Collierville not included within the Historic District;
- (3) Establish standards for new residential development on lots located in portions of the Town that are not intended for development as attached residential; and
- (4) Provide residential development standards for detached residential dwellings that are more reflective of the Town's existing or planned character.

(B) *Applicability.* All detached residential structures permitted after (the adoption date of Ordinance 2011-05) within the TN Traditional Neighborhood District shall comply with the basic residential design standards established within this section unless required by the Historic District Design Guidelines, ~~or where modified through the planned development process and all detached residential structures within a planned development overlay~~ (See §§ 151.150 through 151.160, Planned Developments).

(C) *Residential developments standards for single family detached dwellings.*

...

(12) *Garage standards.* Attached and detached garages and carports shall incorporate exterior materials, design features, and roof forms compatible with the dwellings they serve, and shall comply with the following standards.

...

(g) *Garages in Planned Developments.* In Planned Developments, the Board of Mayor and Aldermen may grant waivers from these standards to allow for side-loaded garages to be located between the primary entrance to the dwelling and the street providing access to the lot for no more than fifty (50) percent of the lots. Such waivers should not be granted within the limits of the Downtown Collierville Small Area Plan or properties designated in the Future Land Use Plan with the Mixed Use or Traditional Neighborhood Place Types.