

COVINGTON MUNICIPAL - REGIONAL PLANNING COMMISSION MEETING

**OCTOBER 1, 2024
12:00 PM NOON
LOWER-LEVEL CONFERENCE ROOM
AT CITY HALL**



**AGENDA FOR THE MEETING OF THE
COVINGTON MUNICIPAL-REGIONAL PLANNING COMMISSION
October 1, 2024
12:00 PM**

- I. CALL TO ORDER – ESTABLISHMENT OF A QUORUM**
- II. OPEN FOR PUBLIC COMMENT**
- III. APPROVAL OF THE PREVIOUS MINUTES**
- IV. NEW BUSINESS**
 - A. Greenpoint AG Holdings, LLCM Rezoning Request**
 - B. Text Amendment – Adoption of Planned Residential Development (PD) District Regulations**
 - C. Annexation – Cottontop Road/Highway 179**
 - Plan of Services**
 - Resolution to Annex Property**
 - Ordinance to Zone Property**
- V. OLD BUSINESS**
- VI. OTHER BUSINESS**
- VII. ADJOURNMENT**

Next Meeting: November 5, 2024

The Covington Municipal-Regional Planning Commission met on September 3, 2024, at 12:00 p.m. with the following members present: Chairman Joe Auger, Vice Chairman Sammy Beasley, Secretary Jason Poyner, Commissioners: Sue Rose, Louise McBride, C.H. Sullivan, Annette Johnson, and Benton Lindsey. Also present were Planner Will Radford, Building Official Lessie Fisher, Code Technician Phyllis Mayfield, Fire Inspector Rusty Thigpen, and Josh Burnette.

The meeting was called to order by Joe Auger.

Motion was made by C.H. Sullivan and seconded by Sammy Beasley that the minutes of the preceding meeting be approved. Motion passed.

Renaissance Development submitted site work bond calculations associated with Covington Court Square Town Homes at East Washington Avenue.

C.H. Sullivan made a motion to approve. Jason Poyner seconded the motion. Motion passed.

Discussion regarding Text Amendment – Adoption of Planned Development (PD) Zoning Regulations vs Traditional Zoning.

C.H. Sullivan made a motion, seconded by Sammy Beasley, to adjourn the meeting. There being no further business, the meeting was adjourned at 12:53 p.m.



RADFORD PLANNING SOLUTIONS

LOCAL PLANNERS. LOCAL SOLUTIONS.

P.O. BOX 112 | Huntingdon, TN 38344 | 731.234.7798 | RadfordPlanning@gmail.com

MEMORANDUM

TO: The Covington Municipal-Regional Planning Commission

FROM: Will Radford, AICP

DATE: September 25, 2024

SUBJECT: Staff Recommendations for the October meeting of the Municipal-Regional Planning Commission.

A. Greenpoint AG Holdings, LLC Rezoning Request

Background

A rezoning request has been submitted on behalf of Greenpoint AG Holdings, LLC to rezone 9 (approximate) acres of property at 1270 Simonton Avenue from R-2 (Medium Density Residential) to B-2 (Highway Business) District. The property can be further identified as Parcel 5.12 and 5.28 on Tipton County Tax Map 025. The property appears to be located in a Zone AE flood hazard area according to 47167C0160F, effective on 12/19/2006.

Analysis

The property is located north of the intersection of Simonton Street and Tennessee Avenue. Simonton Street and Tennessee Avenue are "Collector Streets" according to the Covington Major Road Plan.

The parcel immediately south (Baskin Reality, LLC) was recommended in favor of a rezoning to B-2 at a recent Planning Commission meeting.

The property currently has nearby access to U.S. Highway 51 North, a Major Arterial Street. This property is located near a major retail center of the City of Covington and would be conducive to commercial development.

The area for rezoning is mostly developed and has the existing infrastructure (utilities) to support commercial development.

The following policies are found in the **2030 Municipal-Regional Land Use and Transportation Plan** for Commercial Development:

1. All commercial developments shall be designed in compliance with appropriate site development standards.
2. **Commercial development shall be approved in only those areas where infrastructure is available to support such development.**
3. All commercial and private service developments shall be required to provide an adequate number of paved off-street parking spaces.
4. **To the extent feasible, landscaping or other screening shall be provided between commercial and residential land uses.**
5. Sidewalks shall be installed by the developer as commercial uses develop along arterial and collector-status street.

The Covington Future Land Use and Transportation Plan Future Land Use Map has the area dedicated as "Light Industrial".

Consideration for the potential impact of commercial zoning to these properties should be considered.

Recommendation

Staff recommends in favor of the rezoning request due to the adjacent B-2 zoning and its location near an intersection of Collector Streets.

MEMORANDUM FOR RECORD

TO: Covington Municipal-Regional Planning Commission.

RE: Performance Bonds and Letters of Credit

The following is a list of performance bonds and letters of credit held by the Covington Municipal-Regional Planning Commission. Sixty (60) days before the expiration date, the Department of Code Compliance staff, will request the developer to renew the financial instrument. If the performance bond or letter is not renewed within two weeks of notice then staff will recommend that the Covington Municipal-Regional Planning Commission "call the bond "or submit a draft on the letter of credit.

<u>Developer</u>	<u>Renewal Date</u>	<u>Notice Date</u>	<u>Expiration Date</u>
Deena, LLC 80 Deena Cove Covington, TN 38019	August 3, 2023 Irrevocable Letter of Credit \$17,000.00	July 23, 2024	September 3, 2025
Barry J. & Melody K. Diggs 247 Holly Grove Road Covington, TN 38019	August 29, 2023 Irrevocable Letter of Credit \$100,000.00	August 19, 2024	September 30, 2025
Taylor Ventures LLC 10355 Memphis Arlington Road Lakeland, TN 38002	Irrevocable Letter of Credit \$142,911.00	August 1, 2025	September 12, 2025

PLAN OF SERVICES – PROPERTY (279.7 ACRES) ON THE EAST SIDE OF HIGHWAY 179, AT THE END OF COTTON TOP ROAD

PUBLIC SAFETY

Police Protection

The annexed area will be provided services such as patrol, criminal investigation, community policing, traffic operations, canine, and other community crime prevention programs in accordance with city policies and standards, as revised from time to time upon the effective date of annexation. There may be some vehicle maintenance expense due the increase in mileage incurred.

Fire Protection

The fire department will provide fire protection and emergency medical services in accordance with city policies and standards, as revised from time to time, on the effective date of annexation.

COMMUNITY DEVELOPMENT SERVICES

Planning and Zoning

The planning and zoning authority will be extended to the annexed area and will be administered by the Covington Municipal-Regional Planning Commission, Board of Zoning Appeals, and the Board of Mayor and Alderman.

Specific zoning for the annexed area will be adopted upon the effective date of annexation. The current zoning classification is Forest, Agricultural, Residential (FAR). It is proposed to be annexed as R-2 Medium Density Residential.

Inspection Services

All inspection services will be provided by the City of Covington (building, plumbing, mechanical, fire, etc.) and will begin in the annexed area upon the effective date of annexation.

COMMUNITY INFRASTRUCTURE

Streets and Drainage

Covington Public Works will provide street repair and maintenance, storm drainage and maintenance, will install and maintain street signage in accordance with city policies and standards, to the annexed area on the effective date of annexation.

Street lighting in accordance with city policies and standards, will be provided to the annexed area.

Water Service

Water service will be provided in accordance with the current policies and standards, following the main extension from the city's current main extension policy upon the effective date of annexation.

Sewer Service

The City of Covington has sufficient plant capacity to sewer the annexed area and will provide sanitary sewer service in accordance with city policies and standards, following the main extension from the current extension policy upon the effective date of annexation.

Natural Gas

Covington Public Works will provide natural gas service in accordance with its policies and standards, to the property which is located within CPW services area.

Refuse and Curb Side Collection

Refuse collection and related services in accordance with current city policies and standards will be provided upon the effective date of annexation.

Electricity

Electric service will be provided by Covington Electric System.

QUALITY OF LIFE

Parks and Recreation

Residents of the annexed area may use all city recreational facilities, parks, ball fields, etc., on the effective date of annexation. The prevailing standards and policies now used in the existing city will be applied in expanding the recreational and program facilities in the enlarged city.

School System

The Tipton County Board of Education will provide educational services in accordance with its policy and standards, as revised from time to time, to the annexed area upon effective date of annexation.

The Honorable Jan Hensley, Mayor
City of Covington, Tennessee
200 West Washington Street
Covington, TN 38019

April 8, 2024

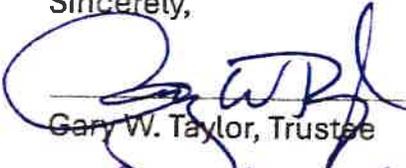
RE: Annexation of Property (279.7 Acres) on the east side of Highway 179, at the end of Cotton Top Road in Tipton County, Tennessee.

Mayor Hensley,

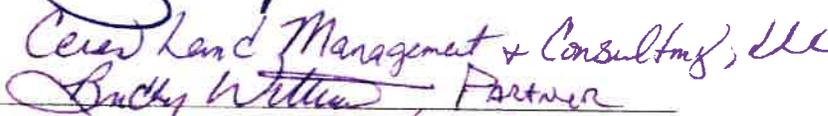
Please accept this letter as our request for the 279.7 acres of land described on attached Exhibit "A" be annexed into the City of Covington.

The Property is comprised of two tracts of land being a part of Gary W. Taylor, Trustee property recorded in Record Book 1450, Page 916 (Tax Map 049, Parcel 005.00) containing 243.3 acres of land and a part of the Ceres Land Management and Consulting, LLC property recorded in Record Book 1497, Page 826 (Tax Map 049, Parcel 008.00) containing 36.4 acres of land.

Sincerely,

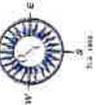
 TRUSTEE

Gary W. Taylor, Trustee



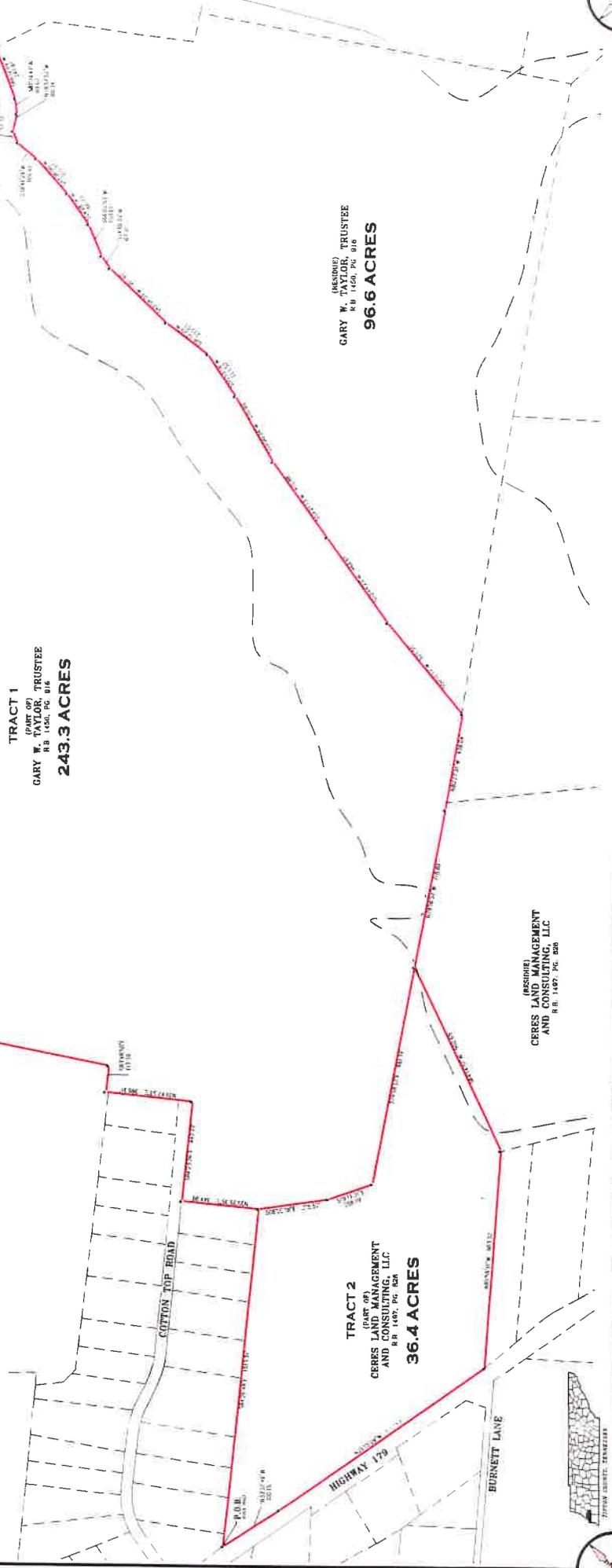
Ceres Land Management and Consulting, LLC

COTTON TOP ROAD & HIGHWAY 79 SITE



ANNEXATION MAP
 OF THE
GARY W. TAYLOR, TRUSTEE
 RECORD BOOK 14-0, PAGE 916
 PART OF THE
**CERES LAND MANAGEMENT
 AND CONSULTING, LLC**
 PROPERTY
 RECORD BOOK 14-0, PAGE 876
 1ST CIVIL DISTRICT
 TIPTON COUNTY, TENNESSEE
 DATE: APRIL 01, 2024

OLLAR
 SURVEYING COMPANY, LLC
 4117 Irons Rd, Box 208 - Cooke, TN 38506
 615.443.5155 OllarSurveying.com



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. DATE 04-01-2024 BY 60327/ML/STP

11-505. Planned Development District (PD)

This section is intended to provide the means and the guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded by other districts in this Ordinance. 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 requirement 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 densities may be permitted under this Section if such an increase can be substantiated on the basis that the superior design makes greater densities possible with no reduction of amenities. This section is not intended as a panacea and should not be utilized as a device for making increased densities more acceptable or as a means of circumventing the City's development regulations.

Planned Development (PD): A development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

1. Objectives

The Board of Mayor and Aldermen may, upon proper application, rezone a site of at least twenty-five (25) acres to facilitate the use of flexible techniques of land development and site design by providing relief from zone requirements designed for conventional developments. In addition, the Board may establish standards and procedures, including restricting land uses to only those compatible to surrounding development prior to a rezoning in order to obtain one or more of the following objectives:

- a. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
- b. Preserve to the greatest extent possible the existing landscape features and amenities and utilize such features in a harmonious fashion.

- c. Provide more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.
- d. Combine and coordinate architectural styles, building forms and building relationships within the planned developments.
- e. Ensure a quality of construction commensurate with other developments within the City.
- f. Creation of a safe and desirable environment for areas characterized by a unified building and site development program.
- g. Rational and economic development in relation to public services.
- h. Efficient and effective traffic circulation, both within and adjacent to the development site.
- i. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environments and living units.
- j. Provision of attractive and appropriate locations for business uses in well-designed buildings and provisions of opportunities for employment closer to residence with a reduction in travel from home to work.

2. Relation Between Planned Developments and Zoning Districts

Planned Developments under this section, planned developments (PD) shall be permitted, subject to the stated requirements. PDs are established by overlaying a Preliminary Development Plan over the existing district. The overlays are as follows: PD (Planned Development) over R-1, R-2 or R-3 districts. A zoning amendment is required following the procedures outlined in this section and in accordance with Chapter 13 of this Zoning Ordinance.

3. Modification of District Regulations

Planned Developments may be constructed in the above zoning districts subject to the standards and procedures set forth below:

- a. Except as modified by and approved in the Ordinance approving a preliminary development plan, a Planned Development shall be governed by the regulations of the district or districts in which the said Planned Development is located.
- b. The Ordinance approving the preliminary development plan for the Planned Development may provide for such exceptions from the zoning district regulations governing use, area, setback, signage, loading, width and other bulk regulations, parking, 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 and further provided that no modification of the district requirements or subdivision regulations may be allowed when such proposed modification would result in:

- c. Inadequate or unsafe access to Planned Development. Traffic volume exceeded the anticipated capacity of the major street network in the vicinity. 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. The construction of utilities or facilities is not representative of accepted engineering practices or standards adopted by the City of Covington. A development which will be incompatible with the purposes of this Ordinance.
- d. Such exceptions shall supersede the regulations of the zoning district in which the Planned Development is located. Provided, however, in no case shall the uses or densities be varied, except as herein provided, and setbacks along the boundary of the Planned Development shall not be less than those allowed in the underlying zoning.
- e. The Development Agreement which is executable prior to Planned Development Zoning is a general agreement and is subject to subsequent supplemental agreements to address more specific concerns required as the level of detail increases in the review process.

4. Coordination with Subdivision Regulations

The uniqueness of each proposal for a Planned Development may require that specifications for which the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modification from the specifications established in the Subdivision Regulations adopted by the Planning Commission.

Modifications may be incorporated only with the review of the Covington Planning Commission and approval of the Board of Mayor and Aldermen as part of its review of the Final Development Plan for a PD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the Planning Commission of the plan.

It is the intent of this Ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of a Planned Development under this section of the Zoning Ordinance. The development plans submitted under section under #8 of this section must be submitted in a form that will satisfy the requirements of the Subdivision Regulations for

preliminary and final plats.

The requirements for both this section of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all PD's and all actions of the Board of Mayor and Aldermen pertaining to PD's shall be based upon a recommendation by the Planning Commission.

5. General Standards and Criteria

The Board of Mayor and Alderman may grant a permit which modifies the applicable district zoning regulations and subdivision regulations upon recommendation by the Planning Commission which shall be forwarded pursuant to the provisions contained in this section.

The proposed development will not represent a conflict in use with surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and existing plans for the City of Covington.

An approved water supply, community wastewater treatment and disposal and storm water drainage facilities that are adequate to serve the proposed development have been or shall be provided.

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses and any part of the proposed development not used for structures, parking and loading areas or access ways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.

Any modification of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the preliminary development plan and the amenities incorporated therein and are not inconsistent with the public interest.

Provisions shall be made for a homeowner's association or other responsible party to maintain any and all common and open space and/or common elements, unless conveyed to and accepted by the City of Covington or other public body approved by the City of Covington.

6. General Provisions

The following general provisions shall apply to any Planned Development Districts created by the Board of Mayor and Aldermen.

a. Application for Planned Development Permit Required

Each application for a Planned Development shall be submitted in accordance with the requirements of these regulations and the requirements set forth in the Subdivision Regulations. Variances to the requirements of both regulations may be granted upon review of the Planning Commission.

b. Waiver of Board of Zoning Appeals Action

No action of the Board of Zoning Appeals shall be required in the approval of a Planned Development District.

c. Ownership and Division of Land

No tract of land may be considered for or approved as a PD unless such tract is under the single ownership of a landowner. For the purpose of this Ordinance, 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 PD, the landowner of an adopted PD may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the Final Development Plan.

d. Professional Design

The Covington Municipal-Regional Planning Commission shall not consider any development plan for any proposed Planned Development, either on a preliminary or final basis, nor shall the City of Covington Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Development unless such proposed plan includes a certification that the services of a licensed civil engineer or one or more design professionals was utilized in the preparation of the master plan.

Architecture.

A pattern book (building guide that regulates the architectural massing, building types, heights, facades, styles, materials, and details and establishes the basic design guidelines that will ensure that the architecture of the individual buildings within the development will be in keeping with the overall vision) shall be included in the proposed planned development submitted to the Planning Commission and the Board of Mayor and Alderman. The pattern shall illustrate key components of building design such as the shape

of windows and doors, roof pitches, eave details, column details, dormer details, and types of porches that are appropriate for that style.

Identical or similar single-family buildings or elevations may not be repeated more frequently than every sixth house along the same side of any street. Buildings shall be considered similar if they have similar door and window configuration, direction of roof pitch, building mass and building form. Attache buildings shall provide variation in building height, setbacks, rooflines, window, door openings, materials and doors. Buildings shall relate well to the streetscape through the provision of front porches, doors, windows, and architectural details that face the street, and assist in minimizing the dominance of garages. For at least 50% of all units, garages shall be side entry, rear entry or front entry with garage recessed a minimum of five (5) feet behind the front building line.

e. Development Period; Staging

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 adopted final development plan.

f. Start of Development

Within five (5) years from the date of preliminary plan approval of a PD, actual construction shall have commenced in such development. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development.

g. Completion Period

If no actual construction, as determined by the Building Inspector, has begun within the time stated in the final development and construction schedule, the final development plan shall lapse upon written notice to the applicant from the Planning Commission and shall be of no further effect.

At its discretion and for good cause, the Planning Commission may extend for a reasonable time, not to exceed one year, the period for the beginning of construction.

If a development plan is terminated under the provisions of this section, the planned development designation shall be removed from the Official Zoning Map. The zoning

regulations applicable before the development was approved shall then be in effect.

h. Staging of Development

The Planning Commission may elect to permit the staging of development, in which case, the following provision shall be complied with:

- (i) Each stage shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the development or its surrounding at any stage of development. The development staff shall review any proposed phasing plan and recommend to the Planning Commission a plan for the phasing and recommended construction improvements including site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, planting and screening. The Developer shall also prepare a cost estimate of the recommended improvements to be approved by the City Engineer for bonding purposes.

i. 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. Common open space must be usable for recreational purposes 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.

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.

The development phasing sequence which is part of the preliminary development plan must coordinate the improvement 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 buildings in a Planned Development, but in no event

shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.

No common open space of a Planned Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the City of Covington Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may consider the size and character of the buildings to be constructed within the Planned 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.

All land shown on the final development plan as common open space may be either: conveyed to a public body, if said 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 conveyed to an organization for ownership and maintenance subject to the following:

The Covington Municipal-Regional Planning Commission and City of Covington Board of Mayor and Aldermen may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the City of Covington and said dedication be approved by the Board of Mayor and Aldermen. However, the conditions of any transfer shall conform to the adopted final development plan.

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 development plan, the Building Official may serve written notice upon such organization and/or the owners or residents of the Planned Development and hold a public hearing. After thirty (30) days when the deficiencies of maintenance are not corrected, the Building Official shall call upon any public or private agency to maintain the common open space.

The cost of such maintenance by such an agency shall be assessed 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 said properties.

If the common open space is deeded to a Homeowners' and/or Property Owners Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include but not be limited to the following:

- (i) The Association must be set up before homes are sold.
- (ii) Membership must be mandatory for each homebuyer and any successive buyer.
- (iii) The open space restrictions must be permanent, not just for a period of years.
- (iv) The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
- (v) Homeowners/Property owners must pay their pro rata share of the cost of the assessment levied by the association to meet changed needs.

j. Dedication of Public Facilities

The Covington Planning Commission, as a condition of approval and adoption and in accordance with the final development plan, 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.

k. Bond Requirement for Improvements

The Planning Commission shall require that a performance bond, letter of credit, other surety agreement, be furnished and filed with the City of Covington for required private and public improvements. An escrow agreement and account approved by the City Attorney as to form and content and by the Planning Commission, shall be required in the amount of one hundred (100) percent of the estimated construction and engineering cost. Said escrow shall accompany the request for final plan approval to 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.

Additionally, the Planning Commission may recommend and the Board of Mayor and Alderman may require an escrow account to be established by the developer, for a period not to exceed two (2) years following the completion of any or all common open space and /or public facilities included in the Planned Development, to ensure the maintenance of such open spaces or public facilities by the Homeowners' Association or other responsible party, upon a determination that the character or nature of such open space or public facility would be hazardous to the public, if not properly maintained. The fund required may be an amount up to one hundred (100) percent of the estimated cost of proper maintenance for the open areas or facilities for the time period designed.

i. Development Contract

Before a final development plan is approved by the City, the developer and owner must enter into a development contract with and satisfactory to the Board of Mayor and Alderman relative to all required improvements.

m. Relation to Utilities, Public Facilities

PD districts shall be so located in relation to sanitary sewers, water lines, surface and subsurface 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. Such districts shall be located with respect to schools, parks, playgrounds and other public facilities required to have access to the same degree as would development in a form generally permitted in the area.

n. Relation to Major Transportation Facilities

PD district shall be located with respect to major streets and highways or other transportation facilities so as to provide direct access to such districts without creating traffic along minor streets in residential neighborhoods outside such districts.

o. 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 safe and convenient access to dwelling units, project facilities and for service and emergency vehicles. Streets will not be laid out 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 size shall be the maximum consistent with use, shape of the site and for the convenience and safety of the occupants.

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.

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 without PD's shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

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

p. Pedestrian Movement

Access for pedestrians and cyclists shall be arranged to provide safe, convenient routes and need not be limited to vehicular access points. When pedestrian access points do not occur at street intersections, they shall be marked and controlled and when such ways are exposed to substantial vehicular traffic at the edges of a district, fences or other barriers shall be erected and maintained to prevent crossings, except at designated points. Bicycle, and/or bridle paths, if provided, shall be in relation to the pedestrian way system so that street crossings are combined.

Walkways shall form a logical, safe and convenient system for pedestrian access to all project facilities and off-site destinations likely to attract substantial pedestrian traffic. Walkways to be used by substantial numbers of children as play areas or routes to school or other principal destinations, shall be so located and safeguarded as to minimize contacts with normal automobile traffic. Street crossings shall be held to a minimum on such walkways, located and designed to promote safety appropriately marked and otherwise safeguarded. If substantial bicycle traffic is anticipated, bicycle paths shall be appropriately located, designed and constructed, may be combined with other easements and used by emergency or other service vehicles, but shall not be used by other automobile

traffic.

q. Planning Relationships with Adjoining Development

(i) 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.

(ii) Fences, walls or vegetative screening shall be provided along the edges of Planned Developments where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from similar adverse influences within the Planned Development. In both cases, screening shall be designed to control the existing or potential adverse views from existing or potential first floor residential windows in the Planned Development or other residential district. Screening requirements may be waived where terrain makes protection against overview impracticable.

r. Site Planning

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 considerations. All reports and plans shall be submitted to the planning staff for review and approval and shall be made a part of the final development plan. Site plan shall be required for all uses except single family detached dwellings.

s. Signs

In the PD signs shall be as permitted by the underlying District and regulated by the City of Covington Sign Ordinance.

t. Accessory Off-Street Parking and Loading

Accessory off-street parking and loading in the PD shall be regulated by Section 11-314 of this Zoning Ordinance.

7. Specific Standards and Criteria for Planned Developments

In addition to the general standards and general provisions set forth above, Planned Developments shall comply with the requirements and standards that follow.

a. Permitted Uses

It is the intent of this Ordinance that any site or parcel of land to be developed as a PD shall not be less than twenty-five (25) acres and shall be under single ownership. Within the PD District, the following uses are permitted subject to review by the Planning Commission and approval of the Board of Mayor and Aldermen.

Any permitted use, accessory use, or conditional use allowed in the underlying residential district or; commercial uses listed below and shown in designated commercial areas illustrated on an approved final plat.

- (i) Limited Retail:
 - Gift Shops, Flower Shops, Clothing Stores, Delicatessens,
 - Book / Stationary Stores,
 - Grocery Stores not to exceed 10,000 sq ft of building area,
 - Fruit and Vegetable Markets, Candy, Nuts and Confectionary Stores,
 - Dairy Product Stores, Specialty Markets, Shoe Stores,
 - Cafes and Tea Rooms, Drug Stores, Antique Stores,
 - Sporting Goods and Bicycle Shops, Hobby, Toy and Game shops,
 - Tobacco Stores and Stands
- (ii) Personal Services:
 - Dry-Cleaning (clothing), Barber Shops, Beauty Shops,
 - Shoeshine Shops, Shoe Repair, Photographic Studios
- (iii) Professional Services Limited to:
 - Real Estate Offices, Insurance Offices, Accounting Offices,
 - Attorney Offices, Computer Repair Services,
 - Offices and Clinics of Medical Professionals
- (iv) Depository Institutions
 - Banks, Automatic Teller Machine Stations
- (v) Public Recreation:
 - Assembly Hall, Banquet Hall, Community Center,

Clubs / Lodges, Parks, Playgrounds,
Fitness Centers, Dance Studios

(vi) Places of Worship

(vii) Child Day Care Centers, Adult Day Care Centers

(viii) Public Administration Services:

Fire Stations, Police Stations

(ix) Education Services

(x) Commercial uses shall be clustered and concentrated within areas suitable for such within the Planned Development district and be separated from residential uses by buffering. Commercial uses must also be located on collector status streets which serve the PD.

(xi) No outside storage shall be permitted, and trash disposal facilities shall be completely enclosed by walls or materials that complement all other buildings.

(xii) Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained a minimum of fifteen (15) feet wide which shall not be used for parking and with only driveways crossing said yard. Permanently landscaped side and rear yards of appropriate width shall also be maintained.

(xiii) Any loading service area shall be at the rear of the building. The Planning Commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.

b. Densities

In Developments there are no minimum lot sizes or yard requirements. However, lot dimensions and lot sizes must be shown on the Preliminary Development Plan which must be reviewed by the Planning Commission and approved by the Board of Mayor and Aldermen. Within any PD classification, the Board of Mayor and Aldermen may authorize an increase in overall residential density within the project area.

(i) The base densities are as follows:

<u>Zone</u>	<u>Density</u>
R-1	3.48 units per acre
R-2	5.40 units per acre
R-3	5.80 units per acre

An increase in density not to exceed sixteen percent (16%) may be granted for the dedication of six percent (6%) of the total PD to the City of Covington. The site must be of such nature that excessive cut or fill is not required. The site must also be landscaped to the specifications of a landscape plan that must be submitted by the developer and approved by the Planning Commission. The City reserves the right to accept or decline any proposed land dedication.

An increase in density not to exceed ten percent (10%) may be granted for incorporating the following provisions into the development:

- (ii) Providing additional recreational uses and facilities, or imagination in recreation design such as providing clubhouses, swimming pools, tennis courts, and other major facilities.
- (iii) Developing a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators.
- (iv) Providing additional landscaping, where applicable on public land with a minimum of six (6) shade trees per acre with a height of between eight (8) to ten (10) feet.
- (v) An increase in density, not to exceed ten percent (10%) may be granted for providing superior aesthetics within a development by:
Combining distinctiveness and excellence in architectural setting and design. Exceptional design of the automobile circulation system to include a minimum of paved surfaces. Providing enclosed or sub-surface parking where applicable. Providing a comprehensive fencing or screening system that offers the greatest possible degree of privacy.
- (vi) All provisions for increases in density granted under this section must be accomplished at the time that fifty percent (50%) of the dwelling units per development phase are occupied.
- (vii) The Board of Mayor and Aldermen may prohibit or limit an increase in density to avoid the following conditions:
Inconvenient or unsafe access to Planned Development.
Traffic congestion in the streets within or adjoining the Planned

Development. 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. 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.

- (viii) 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 to standards as agreed upon.

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 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 use of trees, shrubs, hedges, and/or berms and screening walls.

e. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system to provide an appropriate degree of separation of pedestrian and vehicular movement.

f. Privacy

The Planned Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the Planned Development. Protection and enhancement of property 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.

8. Procedures for Planned Development Approval

The provisions of this Section govern the procedure for approval of all Planned Developments provided herein.

a. Pre-Application Procedure

At least one (1) month prior to filing any application for Planned Development, the prospective applicant shall request a pre-application conference with the Planning Staff. To obtain information, each applicant shall confer with the planning staff in connection with the preparation of the Planned Development application. The general outline of the proposal, evidenced schematically by sketch plans, is to be considered before submission of the Planned Development application. Thereafter, the Planning Staff shall furnish the applicant with comments regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his preparing the components of the Planned Development application.

b. Preliminary Development Plan

A preliminary development plan shall be submitted to the Planning Commission with the application for the Planned Development within six (6) months of the pre-application conference. A final development plan, including all the requirements of a preliminary development plan, may be submitted as a single application.

c. Written Documents

- (i) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- (ii) A statement of planning objectives to be achieved by the PD through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
- (iii) A development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and be completed.
- (iv) If the Planned Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
 - (a) the approximate date when construction of the project can be expected to begin;

- (b) the order in which the phases of the project will be built; and
- (c) the minimum area and the approximate location of common open space and public improvements that will be required at each stage.
- (v) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.
- (vi) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space), total amount of residential construction (including a separate figure for commercial construction), appropriate studies used in the development of the General Development Plan and other studies as may be required by the Planning Commission.
- (vii) A statement setting forth in detail either, (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Development, or, (2) the bulk regulations under which the Planned Development is proposed.
- (viii) A tabulation setting forth:
 - (a) Maximum total square feet of building floor area proposed for commercial uses, by general type use;
 - (b) Maximum total land area, expressed in acres and as a percentage of the total development area, proposed to be devoted to commercial, public and private open space, streets; and off-street parking and loading areas.

d. Site Plan and Supporting Maps

A site plan and any maps necessary to show the major details of the proposed PD must contain the following minimum information:

- (i) The existing site conditions should include contours at two-foot (2') intervals, water courses, flood plains, unique natural features and forest cover.
- (ii) Proposed lot lines and plot designs.
- (iii) The location and floor area size of all existing and proposed buildings, structures and other improvements including maximum heights, types of dwelling units, and density per type and nonresidential structures, including commercial to include preliminary elevations and/or architectural renderings of typical structures and improvements. Such drawings should be sufficient to relay the basic architectural intent of the proposed improvements but should not be encumbered with final detail at this stage.

- (iv) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses.
- (v) The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate.
- (vi) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
- (vii) The existing and proposed utility systems including sanitary sewers, storm sewers, water lines, and drainage. (Detailed drainage plan and calculations shall be handled at the final development plan stage.)
- (viii) A general landscape plan indicating the treatment of materials used for private and common open spaces.
 - (ix) 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 the landscape.
- (x) The proposed treatment of the perimeter of the PD includes materials and techniques used such as screens, fences and walls.
- (xi) Any additional information as required by the Planning Commission as necessary to evaluate the character and impact of the proposed PD.

The City may, in its discretion, modify or waive any of the informational requirements contained in this subsection items (i) through (xi) in order to reasonably adopt 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 City prior to final development plan approval.

9. Preliminary Development Plan Approval Process and Effect of Approval

- a. At least forty-five (45) days prior to the Planning Commission meeting at which it is to

be considered, the owner of the property or his agent shall submit to the Planning Commission the Preliminary Development Plan, 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 regular meeting.

- b. Any owner or his agent may appeal to the Board of Mayor and Alderman any recommendation or condition the Planning Commission imposes in the recommendations by filing written, notice of appeal at least seven (7) days prior to review by the Board of Mayor and Alderman. However, the applicant shall submit a preliminary development plan incorporating any and all conditions not appealed within ninety (90) days after the Planning Commission's decision on the requested Planned Development or the application shall be deemed withdrawn.
- c. The recommendation of the Planning Commission and any notices of appeal shall be forwarded to the Board of Mayor and Alderman within ten (10) days of the Planning Commission meeting or within ten (10) days of the date the applicant submitted a preliminary development plan incorporating the required conditions, whichever date occurs later.
- d. The Board of Mayor and Aldermen shall hold a public hearing on the application for the Planned Development and the preliminary plan after receipt of recommendations from the Planning Commission and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for a public hearing and shall provide written notice and publication in accordance with Section 11-1304 of this Ordinance. The Board of Mayor and Aldermen shall render a decision on any appeal and shall: approve; disapprove; or approve the proposed Planned Development and preliminary development plan subject to conditions, and if approved, shall set forth the conditions imposed.
- e. The approved preliminary development plan shall bind the applicant, owner, and mortgagee, if any, and the City of Covington with respect to the contents of such plan.
- f. The preliminary development plan shall be used in lieu of a Master Subdivision Plan

to comply with the provisions of the Subdivision Regulations pertaining to Master Plans.

- g. The Covington Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

10. Final Development Plan Approval Process

An application for approval of a final development plan of the entire Planned Development, if it is to be completed in one phase, or a portion of the Planned Development, if it consists of more than one phase, shall be submitted by the applicant at least forty-five (45) days prior to the Planning Commission meeting.

The application for final development plan approval shall be filed with the Planning Commission and shall include, but not be limited to, the following:

- a. A plan/plat suitable for recording with the Tipton County Register's Office.
- b. Proof referred to on the plan and satisfactory to the City Attorney as to the provision and maintenance of common open space.
- c. All certificates, seals and signatures are required for the dedication of land and recordation of documents.
- d. Tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross acre and the gross floor area for commercial uses.
- e. Location and type of landscaping.
- f. Location and dimensions of utility and drainage facilities.
- g. All other requirements of a Final Plan under the City of Covington Municipal Subdivision Regulations.

The Planning Commission shall review the plan and determine whether the final plan substantially conforms or substantially deviates from an approved Preliminary Development Plan in accordance with the following:

A final plan shall be found to conform substantially to an approved preliminary development plan if:

- a. It provided for less density than the approved outline plan; or it provides greater open space by the elimination of a reduction in the size of residential or commercial buildings.
- b. A decision shall be rendered on a final development plan by the Planning Commission. If a final plan is disapproved by the Planning Commission the applicant may file a final development plan that substantially conforms to the approved preliminary plan, or the applicant may file for an amendment to the approved preliminary development plan.
- c. After a final development plan is approved by the Planning Commission, the Building Inspector shall record such plan in the Tipton County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the City of Covington Subdivision Regulations and the required signatures for recordation have been secured.

Site Plan Review. All site plan reviews required under the provisions of this Zoning Ordinance shall be completed prior to application for approval of any final development plan for any Planned Development.

11. Zoning Administration – Permits

The Building Official may issue building permits for the area of the Planned Development covered by the approved final development plan for work in conformity with the approved final development 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 development plan of any stage of the Planned Development unless the open space and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowners' 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 development plan if the completed building or structures conforms to the requirements of the approved final development plan and all other applicable regulations and Ordinances.

12. **Reapplication if Denied**

If any application for a Planned Development is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Development may not be filed within twelve (12) months of the date final action was taken on the previous application unless such reapplication is initiated by the Planning Commission or authorized by the Board of Mayor and Aldermen.

13. **Procedure for Amendment**

A Planned Development and the approved preliminary development plan may be amended in accordance with the procedure that governed its approval as set forth in this Section.