

ORDINANCE 11132006

**AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE OF BRIGHTON, TENNESSEE: TO INCORPORATE PLANNED RESIDENTIAL DISTRICT PROVISIONS WITHIN ARTICLE V PROVISIONS GOVERNING RESIDENTIAL DISTRICTS**

WHEREAS, pursuant to *Tennessee Code Annotated* Sections 13-7-201 through 13-7-211, a municipal zoning ordinance has been adopted for City of Brighton, Tennessee; and,

WHEREAS, the BRIGHTON Municipal-Regional Planning Commission has recommended the following amendment to the text of the municipal zoning ordinance to include Planned Residential Development districts, under the provisions governing residential districts; and,

WHEREAS, pursuant to *Tennessee Code Annotated* Section 13-7-203, a public hearing was held, the time and place of which was published with fifteen days advance notice;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF BRIGHTON, TENNESSEE:

**SECTION 1.** That the text of the Municipal Zoning Ordinance of Brighton, Tennessee, be amended by including Article IV, Section IV (PRD – Planned Residential Development district):

**Planned Residential Development District**

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 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 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.

1. Objectives

The Board of Mayor and Aldermen may, upon proper application, rezone a site of at least three (3) acres to PRD 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:

1. Promote flexibility in design and permit planned diversification in the location of structures.
2. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
3. Preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion.
4. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.
5. Combine and coordinate architectural styles, building forms and building relationships within the planned developments.
6. Insure a quality of construction commensurate with other developments within the city.
7. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
8. Rational and economic development in relation to public services.
9. Efficient and effective traffic circulation, both within and adjacent to the development site.

10. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.

2. **Planned Residential Developments**

Under this section, Planned Residential Developments (PRD) shall be permitted, subject to the stated requirements. PRD's are established by overlaying a Preliminary Development Plan over the existing district. The overlays are as follows: PRD (Planned Residential Development) over FAR, R-1 and R-2 districts.

3. **Modification of District Regulations**

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

1. Except as modified by and approved in the ordinance approving a preliminary development plan, a Planned Residential Development shall be governed by the regulations of the district or districts in which the said Planned Residential Development is located.
2. The ordinance approving the preliminary development plan for the Planned Residential Development may provide for such exceptions from the district regulations governing area, setback, width and other bulk regulations, parking, and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Residential 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 Residential Development and further provided that no modification of the district requirements or subdivision regulations may be allowed when such proposed modification would result in:
  - a. Inadequate or unsafe access to the Planned Residential Development.
  - b. Traffic volume exceeding the anticipated capacity of the 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 Residential Development.

- d. A development which will be incompatible with the purposes of this Ordinance.

Such exceptions shall supersede the regulations of the zoning district in which the Planned Residential Development is located. Provided, however, in no case shall the uses or densities be varied except as herein provided.

4. **Coordination with Subdivision Regulations**

The uniqueness of each proposal for a Planned Residential Development may require that specifications for which the width and surfacing of streets, public ways, public utility right-of-ways, 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 Brighton Planning Commission and approval of the Board of Mayor and Aldermen as part of its review of the Development Plan for a PRD 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.

1. It is the intent of this Ordinance that subdivision review under the Subdivision Regulations be carried out simultaneously with the review of a Planned Residential Development under this section of the Zoning Ordinance.
2. The development plans submitted under section IV must be submitted in a form that will satisfy the requirements of the Subdivision Regulations for preliminary and final plats.
3. The requirements for both this section of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all PRD's and all actions of the City Board pertaining to PRD's shall be based upon a recommendation by the Planning Commission.

5. **General Provisions**

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

5.1 Application for Planned Residential Development Permit Required

Each application for a Planned Residential Development shall be submitted in accordance with 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.

5.2 Waiver of Board of Zoning appeals Action

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

5.3 Ownership and Division of Land

No tract of land may be considered for or approved as a PRD 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 PRD 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 PRD, the landowner of an adopted PRD 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.

5.4 Professional Design

The Brighton Planning Commission shall not consider any development plan for any proposed Planned Residential Development, either on a preliminary or final basis, nor shall the Brighton Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Residential Development unless such proposed

plan includes a certification that the services of a licensed civil engineer or licensed land surveyor was utilized in the preparation of the master plan.

### 5.5 Development Period; Staging

The expeditious construction of any planned residential 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.

#### a. Start of Development

Within one year from and after the date of the action establishing a PRD, 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. If no substantial 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.

#### b. Completion Period

The BRIGHTON Planning Commission may establish a reasonable period of time for the completion of the Planned Residential Development at the time the PRD district is established.

c. Staging of Development

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

- (1) 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 the development. The development staff shall review any proposed phasing plan and recommend to the Planning Commission a plan for the phasing and recommended construction of improvements including site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, plantings and screening. The Developer shall also prepare a cost estimate of the recommended improvements to be approved by the City Engineer for bonding purposes.

5.6 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.

- a. Common open space must be usable for recreational purpose or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Residential Development considering its size, density, expected population, topography and the number and type of structures to be provided.
- b. 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 therefor, 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.

- c. 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 residential dwellings in a Planned Residential 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.
- d. 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 Brighton Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the Planned Residential Development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.
- e. All land shown on the final development plan as common open space may be either:
  - (1) 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



(2) conveyed to an organization for ownership and maintenance subject to the following:

(a) The Brighton Planning Commission and Brighton 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 Brughton 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.

(b) 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 Residential 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 Residential Development and hold a public hearing. After 30 days when the deficiencies of maintenance are not

BRIGHTON TOWN MEETING

SPECIAL CALLED MEETING

November 28, 2006

7:00 P.M.

Call to Order by Mayor Jeff A. Scott  
Allegiance to Flag led by Mayor Jeff A. Scott  
Prayer by Alderman W. E. Blalack, Jr.  
Roll Call:

PRESENT

ABSENT

Jeff A. Scott, Mayor  
Judy Watkins, Alderman  
James Wyatt, Alderman  
W. E. Blalack, Jr., Alderman  
Phillip Mathis, Alderman

Attending: Gary Pinner, Police Chief  
Chad Gatlin, Assistant Fire Chief  
Matalee Hall, Water Superintendent  
Bonnie Baker, Recorder

Guests: Jimmy Vandergrift, Rick Morris, Mrs. Jeff Scott, Ken King,  
Lynn Manning, Debbie Walker and Oneal Tankersley.

Alderman Watkins made a motion to approve the minutes from the last meeting as written. The motion was seconded by Alderman Blalack. The motion passed.

Alderman Blalack made a motion to pass Ordinance #11142006 which establishes a Beer Board for the Town of Brighton and gives said board the authority to issue beer permits to licensed businesses and also sets restrictions on locations and hours of sale for businesses holding permits along with determining civil penalties for violations of the beer laws on the second reading. The motion was seconded by Alderman Wyatt. The motion passed on the second reading.

Alderman Wyatt made a motion to pass Ordinance #11132006 to amend the Municipal Zoning Ordinance of Brighton, Tennessee: To incorporate Planned Residential District Provisions within Article V Provisions Governing Residential Districts. on the second reading. The motion was seconded by Alderman Blalack. The motion passed on the second reading.

Alderman Blalack made a motion to raise business license application fees to \$75.00 and keep the annual business license renewal fees at \$25.00 per year. The motion was seconded by Alderman Mathis. The motion passed.

Alderman Watkins made a motion to adjourn. The motion was seconded by Alderman Wyatt. The motion passed, we stand adjourned.

Bonnie Baker, Recorder