

ARTICLE X. - PLANNED DEVELOPMENT

Sec. 1000. - Purpose.

The purpose of this article is to encourage the unified and harmonious development of land and buildings under a comprehensive plan, rather than under the conventional lot-by-lot regulations, in order to provide flexible building and land use arrangements; integrate various compatible uses; cluster development to minimize public facilities, utilities, and service costs; protect environmentally critical areas; and to preserve and secure needed open and recreational spaces. Except for high-rise apartment development, which may contain one building, this type of development shall include two or more buildings to be constructed on a tract of land, not subdivided into customary streets and lots and which will not be so subdivided. For commercial, industrial, and office-institutional uses, this type of development shall also include any planned concentration of at least three establishments, meeting minimum floor requirements, which also provide planned and shared parking, access, and services. All such development shall be in accordance with the provisions of this article. Review of the development plan by the mayor and council and planning commission provides an opportunity to assure that the development will be compatible with the character of the neighborhood in which the development is located.

(Ord. of 12-29-77, § 1)

Sec. 1001. - Types of planned development and where permitted.

(1001.1) *Apartment development:* Permitted in RMC-8, RM-10 and RM-12 districts.

(1001.2) *Planned industrial park:* Permitted in LI district.

(1001.3) *Planned shopping development:* Permitted in NS and GC districts.

(1001.4) *Planned office development:* Permitted in IO [OI] and GC districts.

(1001.5) *Residential group projects:* Permitted in RAD, RM-8, RM-10 and RM-12 districts.

(1001.6) *Community unit plan:* Permitted in RM-8, RM-10 and RM-12 districts.

(1001.7) *High-rise apartment development:* Permitted in RHR and OI districts.

(Ord. of 12-29-77, § 1)

Sec. 1002. - Minimum acreage requirements.

- (1002.1) *Apartment development:* Two acres.
- (1002.2) *Planned industrial parks:* Ten acres.
- (1002.3) *Planned shopping development:* Four acres.
- (1002.4) *Planned office development:* Four acres.
- (1002.5) *Residential group project:* Four acres.
- (1002.6) *Community unit plan:* 50 acres.
- (1002.7) *High-rise apartment development:* Two acres.

(Ord. of 12-29-77, § 1)

Sec. 1003. - Exempt from conventional development standards.

When the development standards specified in this article for planned unit developments are in conflict with conventional standards specified elsewhere in this ordinance, the standards specified herein shall apply.

Sec. 1004. - Ownership control.

All of the land in a planned unit development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity. Individual properties in a planned unit development may be sold only after a final plat has been approved and recorded, with the properties subject to private deed covenants that assure the continuance of the planned development as originally approved and developed or as otherwise provided herein.

(Ord. of 12-29-77, § 1)

Sec. 1005. - Open space improvements.

When open space is required to be provided as part of a planned development, the developer shall submit with his/[her] application for approval of the planned development a plan for the improvement and maintenance of open space areas and shall follow the plan which is approved in developing the property.

(Ord. of 12-29-77, § 1)

Sec. 1006. - Common use restrictions.

When a planned development permits or requires the filing of covenants and restrictions with the clerk of the superior court governing the use of common open space and other common areas or creation of a homeowners' association, then such restrictions shall, as a minimum, provide for: all users to have equal access and right of use of all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the homeowners' association and its creation before any individual properties are sold; the method of assessment for dues and related costs; and, where appropriate, party wall maintenance and restoration in the event of damage or destruction.

(Ord. of 12-29-77, § 1)

Sec. 1007. - Open space maintenance.

Where this article requires or allows the preservation of open space and other common areas through a homeowners' association, and in the event that the homeowners' association fails to maintain the common property in a reasonable condition, the mayor shall serve written notice upon the association and upon the individual property owners of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof. If the deficiencies are not corrected within the said 30 days, the city, in order to preserve the taxable values of the properties within the planned development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for one year and thereafter until the association is prepared to provide maintenance. The cost of such maintenance by the city shall be assessed against the properties within the planned development that have a right of enjoyment of the common open space, and shall become a lien upon said properties.

(Ord. of 12-29-77, § 1)

Sec. 1008. - Standards applying to all planned developments.

All planned developments shall meet the following general standards and such other requirements as are set forth herein:

- (1) The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.
- (2) The development shall not adversely affect developed or undeveloped neighboring properties.
- (3) The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations.
- (4) Water, sewerage, highway and school facilities shall be adequate for the proposed development or there shall be a definite proposal for making them so.

(Ord. of 12-29-77, § 1)

Sec. 1009. - Development standards for apartment development.

(1009.1) *Arrangement of structures.* No dwelling structure shall be situated so as to face the rear of another dwelling structure within the development or on adjoining properties, unless differences in terrain and elevation would provide effective visual separation or unless the units are more than 60 feet apart.

(1009.2) *Buffer.* A 20-foot buffer including, but not limited to, solid fences, masonry walls or plant materials shall be provided so as to constitute the visual screening of all parking areas and outdoor activity areas from adjacent property or rights-of-way at ground level. Where a buffer already exists on the adjacent property line, or where parking areas or similar activity areas adjoin each other on adjacent properties, the buffer requirements may be waived by the mayor and council.

(1009.3) *Density.* The density of the development shall not exceed that specified under the provisions of article VIII.

(1009.4) *Distance between dwelling structures.* Dwelling structures which are front face to front face or back face to back face or front face to back face shall be not less than 60 feet apart. Dwelling structures which are side face to side face shall be not less than 30 feet apart. Dwelling structures which are side face to front face or back face shall be not less than 40 feet apart.

(1009.5) *Structure length.* Dwelling structures shall not exceed 250 feet in length.

(1009.6) *Recreation area.* One acre of land shall be set aside as open space and be developed for recreational purposes for each 50 dwelling units planned for the development in accordance with the assumed needs of the occupants (or a proportionate percentage for less than 50 dwelling units). The minimum size of a single recreational area shall be 10,000 square feet.

(1009.7) *Required yards.* Yard requirements shall be the same as those specified under the provisions of article VIII.

Sec. 1010. - Development standards for planned industrial parks.

(1010.1) *Distance between buildings.* Buildings within the development, if separated, shall be not less than 40 feet apart.

(1010.2) *Required yards.* All buildings and structures including, but not limited to, service areas and access drives shall be set back not less than 50 feet from side and rear property lines and not less than 100 feet from the street right-of-way line of an abutting street.

(1010.3) *Screening from residential property.* In addition to other buffer requirements, when the back of the development is across the street from the property in a residential district, then a solid fence or hedge not less than six feet in height shall be installed and maintained by the developer to screen the back of the project from the residential property.

(1010.4) *Street access requirements.* Such projects shall be permitted only on a site which abuts a major or minor thoroughfare. The minimum distance between curb cuts shall be 100 feet.

Sec. 1011. - Development standards for planned shopping development.

(1011.1) *Distance between buildings.* Buildings within the development, if separated, shall be not less than 30 feet apart.

(1011.2) *Total minimum floor area:* 20,000 square feet.

(1011.2.1) *Maximum floor area.* In the NS district, the total floor area shall not exceed 40,000 square feet. There are no floor area restrictions in the GC district.

(1011.3) *Required yards.* All buildings and structures including, but not limited to, service areas and access drives shall be set back not less than 50 feet from side and rear property lines and not less than 100 feet from the street right-of-way line of an abutting street.

(1011.4) *Screening from residential property.* In addition to other buffer requirements, when the back of the development is across the street from property in a residential district, then a solid fence or hedge not less than six feet in height shall be installed and maintained by the developer to screen the back of the project from the residential property.

(1011.5) *Street access requirements.* Such projects shall be permitted only on a site which abuts a major or minor thoroughfare. The minimum distance between curb cuts shall be 100 feet.

(Ord. of 12-29-77, § 1)

Sec. 1012. - Development standards for planned office development.

(1012.1) *Distance between buildings.* Buildings within the development, if separated, shall be not less than 30 feet apart.

(1012.2) *Total minimum floor area.* 40,000 square feet.

(1012.3) *Required yards.* All buildings and structures including, but not limited to, service areas and access drives shall be set back not less than 50 feet from side and rear property lines and not less than 100 feet from the street right-of-way line of an abutting street.

(1012.4) *Screening from residential property.* In addition to other buffer requirements, when the back of the development is across the street from property in a residential district, then a solid fence or hedge not less than six feet in height shall be installed and maintained by the developer to screen the back of the project from the residential property.

(1012.5) *Street access requirements.* Such projects shall be permitted only on a site which abuts a major or minor thoroughfare. The minimum distance between curb cuts shall be 100 feet.

(Ord. of 12-29-77, § 1)

Sec. 1013. - Development standards for residential group project.

(1013.1) *Permitted uses.* Permitted uses within a residential group project shall be limited to single-family detached and attached dwellings, two-family dwellings, and multifamily dwellings.

(1013.2) *Building arrangement.* No dwelling unit shall be situated so as to face the rear of another dwelling unit within the development unless terrain differences, earthen berms, or vegetation will provide effective visual separation.

(1013.3) *Buffer area.* A buffer strip with a minimum depth of ten feet adjacent to every exterior project property line shall be provided, excluding that portion which abuts a street right-of-way. Said buffer area shall be a part of the maintained common area.

(1013.4) *Development plan.* With the exception of condominiums, which shall be governed as provided by state law, the development for the approved project shall be processed in conformance with all applicable requirements of the city subdivision regulations.

(1013.5) *Distance between units and buildings.* The front or rear face of a dwelling unit shall not be less than 50 feet from the front or rear face of another dwelling unit. The unattached side face of a single-family attached building shall not be less than 30 feet from the side face of another such building and not less than 40 feet from the front or rear face of another such building or unit.

(1013.6) *Density.* The maximum number of dwelling units allowed per acre in a residential group project shall not exceed the following for each district:

- (a) RM-8: 6.0 units.
- (b) RM-10: 7.0 units.
- (c) RM-12: 8.0 units.

However, only 50 percent of that portion of the project which is within a floodplain may be included as developable land for the purpose of this density determination.

(1013.7) *Maximum number of units permitted in a single-family attached building.* Not more than ten dwelling units shall be permitted in a single-family attached building. "Single-family attached building" is defined as a building containing two or more single-family attached dwelling units joined at one or more points by one or more party walls or other common facilities, but not including the walls of an enclosed courtyard or similar area. A single-family attached building shall not exceed 250 feet in length.

(1013.8) *Building heights.* The building heights shall not exceed the limits permitted in the district in which the project is located.

(1013.9) *Off-street parking.* The number of parking spaces provided shall conform to the requirements specified in article IX of this ordinance.

(1013.10) *Open space requirements.* The developer shall set aside and develop not less than 20 percent of the land within the project for open space, parks or recreation use. Required streets, drives, yard areas and common parking areas shall not be credited toward this minimum required open space allocation. Only 50 percent of such area may be developed with recreational facilities. Not more than 50 percent of the land reserved for open space purposes shall be within a floodplain.

(1013.11) *Preservation of common space areas.* With the exception of condominiums, which shall be governed as provided by state law, the developer of the subdivision or a homeowner's association created by the developer, by recorded covenants and restrictions running with the land, shall preserve and maintain for the owners and occupants of the units the lands set aside for open space, parks or recreational use and common off-street parking spaces established for the subdivision. The book and page in which such covenants and restrictions are recorded shall be shown on the final plat of the subdivision.

(1013.12) *Street frontage.* Units within the subdivision which front on a street may front on a public street or on private street having a pavement width of not less than 26 feet, or, if such street is designated as being one-way, 20 feet. Units within the subdivision may front a major or minor thoroughfare if parking is provided in the rear of the front building setback line and separated from such streets by an open space providing a minimum depth of 20 feet. Individual curb cuts for each unit shall be prohibited; curb cuts shall be limited to one per 100 feet of thoroughfare frontage.

(Ord. of 12-29-77, § 1)

Sec. 1013-A. - Development standards for community unit plan.

(1013-A.1) *Permitted uses.* Uses and buildings are limited to those permitted within the zoning district in which the project is located; however, within any community unit plan, the following uses shall also be permitted:

- (a) Single-family attached dwellings;

- (b) Retail stores or shops, excluding the making of any products to be sold on or off the premises, provided that such establishments are limited to a maximum of 3,500 square feet of retail sales area, and further provided that the total area, including off-street parking, of all such establishments shall not exceed three percent of the total area of the community unit plan; and
- (c) Personal service establishments such as barbershops and laundromats, provided that such establishments are limited to a maximum of 2,000 square feet of floorspace and six employees, and further provided that the total area, including off-street parking of all such establishments, shall not exceed two percent of the total area of the community unit plan.

(1013-A.2) *Building arrangement.* No dwelling unit shall be situated so as to face the rear of another dwelling unit within the development unless terrain differences, earthen berms, or vegetation will provide effective visual separation.

(1013-A.3) *Buffer area.* A buffer strip with a minimum depth of ten feet adjacent to every exterior development property line shall be provided, excluding that portion which abuts a street right-of-way. Said buffer area shall be a part of the maintained common area.

(1013-A.4) *Development plan.* With the exception of condominiums, which shall be governed as provided by state law, the development for the approved project shall be processed in conformance with all applicable requirements of the city subdivision regulations.

(1013-A.5) *Distance between units and buildings.* The front or rear face of a dwelling unit shall not be less than 50 feet from the front or rear of another dwelling unit. The unattached side face of a single-family attached building shall not be less than 30 feet from the side face of another such building and not less than 40 feet from the front or rear face of another such building or unit.

(1013-A.6) *Density.* The maximum number of dwelling units allowed per acre in a community unit plan shall not exceed the following for each district:

- (a) RM-8: 3.0 units.
- (b) RM-10: 3.5 units.
- (c) RM-12: 4.0 units.

However, only 50 percent of that portion of the project which is within a floodplain may be

included as developable land for the purpose of this density determination.

(1013-A.7) *Maximum number of units permitted in a single-family attached building.* Not more than ten dwelling units shall be permitted in a single-family attached building. "Single-family attached building" is defined as a building containing two or more single-family attached dwelling units joined at one or more points by one or more party walls or other common facilities, but not including the walls of an enclosed courtyard or similar area. A single-family attached building shall not exceed 250 feet in length.

(1013-A.8) *Building heights.* The building heights shall not exceed the limits permitted in the district in which the project is located.

(1013-A.9) *Off-street parking.* The number of parking spaces provided shall conform to the requirements specified in article IX of this ordinance.

(1013-A.10) *Open space requirements.* The developer shall set aside and develop not less than 20 percent of the land within the project for open space, parks or recreation use. Required streets, drives, yard areas and common parking areas shall not be credited toward this minimum required open space allocation. Only 50 percent of such area may be developed with recreational facilities. Not more than 50 percent of the land reserved for open space purposes shall be within a floodplain.

(1013-A.11) *Preservation of common space areas.* With the exception of condominiums, which shall be governed as provided by state law, the developer of the subdivision or a homeowner's association created by the developer, by recorded covenants and restrictions running with the land, shall preserve and maintain for the owners and occupants of the units the lands set aside for open space, parks or recreational use and common off-street parking spaces established for the subdivision. The book and page in which such covenants and restrictions are recorded shall be shown on the final plat of the subdivision.

(Ord. of 12-29-77, § 1)

Editor's note— Section 1 of an ordinance adopted December 29, 1977, enacted a section 1013.1 which contained provisions designated as §§ 1013.1.1 through 1013.1.11. These provisions have been redesignated as §§ 1013-A, 1013-A.1, etc. at the discretion of the editor in order to avoid confusion in the numbering system and to facilitate future expansion of the sections.

Sec. 1014. - Approval procedures.

(1014.1) *Preapplication review.* Prior to the submittal of an application for approval of a planned development, the developer and/or his[/her] representative may meet with the building inspector and planning commission and/or mayor and council.

(1014.2) *Application for approval.* An application requesting approval of a planned unit development shall include the following documentation:

- (1) A location map at an appropriate scale showing the location of the development within the City of Smyrna.
- (2) A site plan at an appropriate scale showing the following information:

Name: Name of the proposed development, and name and address of the owner and designer.

Date: Date, approximate north arrow and scale.

Boundaries: The boundary line of the tract to be developed drawn accurately to scale and with accurate linear and angular dimensions.

Buffer areas: Location, dimensions and treatment of all required buffer, landscaped or planted areas, including fences.

Contours: Contours with a minimum vertical interval of five feet corresponding to sea level datum shall be provided for both existing and proposed topography.

Existing features: The location of existing and platted property lines, streets, buildings, watercourses, railroads, bridges, water mains, sewers, culverts, drain pipes, and public utility easements, both on the land to be developed and on that portion of the land immediately adjoining the land to be developed, and any other pertinent characteristics of the land; the names of adjoining subdivisions or the names of record owners of adjoining parcels of unsubdivided land; and the zoning of the property.

Proposed improvements: The names, where appropriate, and locations and dimensions of proposed streets, alleys, sidewalks, easements, buildings, parking areas, recreation areas and facilities, yards and other open spaces, and required buffer strips. The percent of lot coverage by

buildings and other structures and, when applicable, the proposed residential density expressed in dwelling units per acre, shall also be indicated on the site plan. Each site plan shall be prepared by an architect, landscape architect, engineer, or land surveyor whose state registration is current and valid, or by a professional planner holding full or associate membership in the American Institute of Planners. His [Her] seal or professional initials ([ASLA,] AIP) shall be affixed to the plan submitted.

- (3) Utility and drainage plans shall be provided including all information required by city, county, or state agencies to determine that water, sewer, sanitary disposal and storm drainage improvements will be made and located in accordance with applicable requirements. The utility and drainage plans shall be prepared by an architect, engineer, or land surveyor whose state registration is current and valid. His[Her] seal shall be affixed to the plans submitted.
- (4) A preliminary outline of proposed protective covenants, including provisions for the organization and financing of a homeowner's association where appropriate.
- (5) Any other information required by the city to insure compliance with the provisions of this ordinance.

(1014.3) *Application review.* The application for approval shall first be submitted to the building inspector and planning commission for their review and recommendations. Within 30 days of submittal, the building inspector and planning commission shall submit the application for approval and their recommendations to the mayor and council.

Before taking action on the application, [the] mayor and council shall hold a public hearing, the notice of which shall conform to procedures for amendment to the zoning map. Within 45 days from the date of the public hearing, the mayor and council shall render an official decision on the application. If approved, the planned development must be carried out in strict compliance with the plan submitted to and approved by the mayor and council.

(1014.4) *Letter of intent.* If the application is approved subject to modifications of the original site plan and other documentation, the developer shall submit to the mayor and council a letter of intent stating his/[her] intention to incorporate all revisions required by the mayor and council. Each such revision shall be identified in detail in the letter of intent.

The letter of intent shall be binding on any and all future owners of the land to which said letter of intent applies.

(1014.5) *Building permit required.* No planned unit development shall commence until such time as a building permit is issued in accordance with the provisions of section 1302.

(1014.6) *Revision clause.* If construction is not started within 12 months after approval of the plan by [the] mayor and city council, approval for the plan is rescinded; after which all minimum dimensional requirements for the zoning district in which the parcel is located shall again apply.

(Ord. of 12-29-77, § 1)

Sec. 1015. - Development standards for high-rise apartment development.

(1015.1) *Terms.* For purposes of this section, two categories of high-rise apartment development are recognized: senior citizen high-rise apartment development; and, standard high-rise apartment development. Senior citizen high-rise apartment development shall be any such structure designed for the exclusive use of senior citizens or the elderly. For the purposes of this section, senior citizens or the elderly are defined to be persons 62 years of age or older, or married couples in which one of the spouses is 62 years of age or older, or is handicapped. Standard high-rise apartment development is defined as any type of high-rise apartment other than those designed for senior citizens.

(1015.2) *Permitted uses.* Permitted uses within a high-rise apartment shall be limited to high-rise multifamily dwellings, and retail sales and personal services accessory to the operation of a high-rise apartment, conducted wholly within the building housing the use to which such activities are accessory; provided, that the floorspace used or to be used for such secondary uses shall be limited to a total of 25 square feet per dwelling in a high-rise apartment development and further provided that:

- (1) Every public entrance to such a use shall be from a lobby, hallway, or other interior portion of the primary use structure.
- (2) No show window, advertising, or display shall be visible from the exterior of

the primary use structure.

- (3) No merchandise shall be stored or displayed outside of the primary use structure.

(1015.3) *Buffer area.* A buffer strip with a minimum depth of ten feet adjacent to every exterior property line shall be provided, except in cases where the use abuts a single-family residential district, then a 75-foot buffer shall be provided.

(1015.4) *Density.* The maximum number of dwelling units allowed shall be 66 per acre in a standard high-rise and 80 per acre in a senior citizen high-rise.

(1015.5) *Distance between buildings.* Buildings within the development, if separated, shall be not less than 80 feet apart.

(1015.6) *Height regulations.* No high-rise apartment building shall exceed 12 stories or 145 feet, or be less than four stories or 45 feet in height. All high-rise apartments must be approved by the fire chief to ensure adequacy of fire protection facilities and services.

(1015.7) *Lot coverage.* Not more than eighty 80 percent of the lot area shall be covered by buildings and other structures, including parking.

(1015.8) *Off-street parking.* The number of parking spaces shall conform to the requirements specified in article IX of this ordinance.

(1015.9) *Minimum floor area.* For a standard high-rise apartment development, the minimum floor area requirements of the RHR district shall apply. For a senior citizen high-rise apartment development, the minimum floor area for a dwelling unit shall not be less than 415 square feet.

(1015.10) *Setback and yard requirements.* All setback and yard requirements in article VIII for the RHR district shall apply unless otherwise indicated in this section.

(1015.11) *Senior citizen special requirements.* The following special requirements shall apply to senior citizen high-rise apartments:

- (1) Any senior citizen high-rise building shall contain a minimum of ten square feet per unit of enclosed public space on the ground floor of such a building, so as to provide for meeting and recreational rooms, activity, social centers, and similar uses.

- (2) Provisions shall be made for insuring [that] architectural barriers to the movement of elderly and handicapped are minimized.

(1015.12) *Street access requirements.* Such projects shall be permitted only on a site which would have access to a major or minor thoroughfare.

(Ord. of 8-15-77, § 1)