

5.8 STANDARDS AND PROCEDURES FOR MIXED USE PLANNED UNIT DEVELOPMENTS

5.8.1 MXU-PUD Description

The purpose of the Mixed-Use PUD (MXU-PUD) is to create pedestrian oriented neighborhoods by encouraging a variety of infill housing choices, with retail, office, restaurants, and public facilities or institutions, that are less automobile dependent. The MXU-PUD is intended to promote flexibility in design standards and diversification of complimentary land uses. This is accomplished by applying a professionally prepared development plan, and to promote the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities.

5.8.2 MXU-PUD Approval Process

1. **Pre-application conference:** The developer must schedule and attend a pre-application meeting with RPC staff and other reviewing agencies prior to formally applying. Pre-application meetings shall be scheduled with staff as needed. The purpose of the pre-application meeting is to prepare a development plan for public hearing with the RPC and appropriate elected body. This discussion shall concern, but not be limited to the following:
 - a. Site:
 - i. Location and Size of development
 - ii. Floodways and locations of structures
 - iii. Existing zoning
 - iv. Surrounding type of development, land use, and zoning
 - v. General topography and physiographic characteristics
 - b. Development:
 - i. Density and/or mixture of uses
 - ii. Parking areas
 - iii. Open space
 - iv. Proposed landscaping or other treatments
 - v. Proposed access, street layout, and pedestrian circulation
 - c. Community facility consideration:
 - i. General statement of the effects of the proposed development on schools, fire, and police services, etc.
 - ii. Proximity and adequacy of utilities, major traffic arteries, etc.
 - d. Development phasing schedule: Estimated time span for construction of the proposed development including any phasing.
2. **Preliminary Application:** After the developer meets with RPC staff for the required pre-application conference, the Preliminary application may be made in the form of a zoning request per the requirements in Chapter 11 Section 4.
 - a. **Application Submittal:** A developer shall make an initial application for approval of an MXU-PUD by filing the required application and fourteen (14) copies or digital submission of the preliminary plan with the RPC by the deadline. The RPC shall forward one of these copies to the appropriate departments or entities, all of whom shall submit any recommendations in writing to the RPC prior to the initial hearing on the preliminary plan.

- b. **Regional Planning Commission Action:** The RPC shall forward the plan to the elected body along with a written report recommending approval or disapproval of the plan and the proposed zoning amendment. The RPC recommendation shall refer, but not be limited to, the following conditions:
 - i. That the MXU-PUD is consistent with the comprehensive plan;
 - ii. That the property adjacent to the area included in the plan will not be adversely affected;
 - iii. That the plan is consistent with the intent and purpose of this section to promote public health, safety, morals, and general welfare;
 - iv. That there is a need for such development in the proposed location;
- c. **County Commission Action:** Upon receipt of the written report prepared in accordance with Subparagraph II above, the County Commission shall consider the report, the preliminary MXU-PUD plan, and other such data as may be required. Prior to the enactment of any amendment to the zoning map, a required public hearing shall be held. The RPC report must be made available to the public at least three (3) days prior to the public hearing.

Within one-hundred (100) days after the public hearing, the County Commission shall either approve the plan and grant the necessary rezoning, or disapprove the plan. Failure of the County Commission to act within this time period shall be deemed to be a denial.

- d. No building permits may be issued and no final plat may be approved on land within the MXU-PUD district until the final MXU-PUD plan has been approved by the RPC.

3. Final application:

- a. Within twenty four (24) months following the approval of the preliminary plan, the applicant shall file with the RPC a final plan containing in final form the information required. At its discretion and for good cause shown, the RPC may extend the time period for filing the final plan.

4. Relationship to the Subdivision Regulations

In any instance where land is to be subdivided or streets are to be dedicated, the following procedure will be utilized.

- a. **Preliminary Plat:** At the time application is made for approval of a final MXU-PUD Development Plan, application shall also be made for preliminary approval of a subdivision plan. Both the final MXU-PUD plan and preliminary plat will be considered by the RPC concurrently.
- b. **Final Plats:** final plats are permitted on any portion of an approved Development Plan.

5. Final Approval: Regional Planning Commission Action

Within the time period as specified within the requirements of TCA, the RPC shall either approve or disapprove the final MXU-PUD and preliminary subdivision plat.

The RPC may approve the final plan if it finds:

- a. The final plan is in substantial compliance with the preliminary plan; and

- b. That the final plan complies with all other standards for review which were not considered when the preliminary plan was approved.

In the event the RPC finds that conditions which supported approval of the preliminary plan have changed so as to raise reasonable question regarding the developer's ability to continue with the plan, it may withdraw its approval of the plan; a report of this action shall be sent immediately to the Governing Body along with a recommendation that the MXU-PUD district be changed back to the original zone classification.

In accordance with the schedule presented in the preliminary plan, the developer may elect to seek final approval of only a geographic section or sections of the land included within the total development.

6. Changes and Modifications:

- a. A final MXU-PUD, approved by the RPC, is the sole basis for granting minor modifications for site reviews or final plats for any portion of the final development plan.
- b. Major changes to the MXU-PUD, after it has been adopted by the Governing Body, shall be considered the same as a new application and shall be made in accordance with the procedures specified in this resolution.

Major modification may include but are not limited to the following:

- i. An increase in gross density of greater than 10%,
 - ii. Alteration of exterior boundaries, properties, or acreage,
 - iii. Significant adjustments to major roadway alignments, or
 - iv. Significant adjustments to the types and intensity of proposed uses.
- c. Minor changes in MXU-PUDs may be approved by the RPC Director provided that such changes:
 - i. Density changes less than +/- 10%,
 - ii. Minor adjustments to the boundaries of the use districts in an MXU-PUD,
 - iii. Minor shifts in location of buildings and parking, or
 - iv. Minor adjustments to alignments of major roadways and changes to local streets, utility easements, and public open spaces.

7. Filing of an approved Final Plan:

Upon approval of a final plan, the plan and all maps, covenants, and other portions thereof shall be filed with the following agencies:

- a. The County Register of Deeds,
- b. The Regional Planning Commission,
- c. The County Building Official.

8. Failure to begin MXU-PUD development:

If no construction has begun or no use established in the MXU-PUD three (3) years from the date of approval of the final MXU-PUD plan, the RPC may require the landowner to appear before it and to present evidence substantiating that he has not abandoned the project and possesses the willingness and ability to continue its development. At its discretion and for good cause shown, the RPC may extend the time period for completing the MXU-PUD plan. In the event the RPC finds that conditions which supported approval of the MXU-PUD plan have changed so as to raise reasonable question regarding the developer's ability to continue with the plan, it may withdraw its approval of the plan; a report of this action shall be sent immediately to the City Council along with a recommendation that the MXU-PUD district be changed back to the original zone classification.

If site preparation commences and permits are secured within three (3) years then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the (3) year period. Per TCA 13-3-413, developments with two (2) or more phases shall each have a separate vesting period as described in the development plan.

9. Enforcement of the development schedule:

The construction and provision of all common open spaces and public and recreation facilities which are shown on the final plan must proceed according to the approved phasing plan. From time to time the RPC shall compare the actual development accomplished with the approved schedule for development. If the RPC finds that the construction of dwelling units or other commercial structures is different than the approved final phasing plan, the RPC may take any of the following actions:

- a. Cease approval of any additional final plats.
- b. Instruct the City of Clarksville Building Official to discontinue issuance of building permits and/or certificates of occupancy.
- c. In any instance where the above actions are taken, the RPC shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial nature and the provision of common open spaces and public and recreational facilities is brought into adequate balance prior to the continuance of construction.

5.8.3 MXU-PUD Submittal Requirements

1. Eligibility and Minimum Requirements

- a. **Consistency with The Comprehensive Plan:** No MXU-PUD shall be approved unless the final development plan is found to be consistent with goals and objectives of the long-range comprehensive plan.
- b. **Ownership:** No tract of land may receive final approval as a residential planned unit development without being under single ownership. Unless otherwise provided as a condition of approval, the developer of an approved planned unit development may divide and transfer parts of the development prior to

completion. The transferee shall complete each part, and shall use and maintain it in strict conformance with the adopted final planned unit development plan.

c. Minimum Requirements

Upgrades to infrastructure may be incurred at the developer’s expense to provide adequate infrastructure and services to the MXU-PUD.

	MXU-PUD
Min acres	10 Acres UGB
Max acres	NA
Min density	3.5 dwelling units per gross acre
Max density	20 dwelling units per gross acre
Mixture of Uses	Maximum single use 80% of land area
Fire	Must be within 8-minute Fire Response Time. Statement with map required.
Transportation	Traffic Impact Study Required
Water and Sewer	Public Water and Sewer required. A statement from the utility provider that they can service the development.

2. General Provisions

a. Separation of Structures

- i. The proposed location of all structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of surrounding neighborhoods.
- ii. There shall be a minimum distance between detached structures as follows
- iii. Ten (10) feet for the first two (2) stories.
- iv. Sixteen (16) feet for three (3) stories.
- v. Twenty-four (24) feet for four (4) stories.
- vi. Four (4) additional feet for each story above four (4) stories.
- vii. In no instance shall any one structure extend more than two hundred (200) feet in length without being separated by breezeway or open space break of at least sixteen (16) feet at the ground floor level.
- viii. For structures exceeding three (3) stories or thirty-five (35) feet in height, the RPC shall be consulted concerning the location and proper spacing for these units.
- ix. No more than twelve (12) single-family attached dwellings (townhouses) may be attached to one another. Each townhouse unit must be a minimum of sixteen (16) feet wide.

b. Height of Buildings:

- i. Any structure which exceeds thirty-five (35) feet or three (3) stories in height must be approved by the RPC.

c. Perimeter Treatments and Landscaping

- i. At the perimeter of any residential area, buildings shall generally be designed to harmonize in scale, setback, and mass with adjacent buildings outside the boundary of the MXU-PUD. The setbacks and heights of structures bordering the MXU-PUD shall be a guide for the setbacks of buildings at the perimeter.
- ii. The structures must be placed so that the privacy of the occupants of adjacent low-rise dwellings is not invaded by the location of high-rise structures.

- iii. If topographical or other barriers do not provide adequate privacy for existing residential uses adjacent to the MXU-PUD, the RPC may impose any of the following:
 - Structures located on the perimeter must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses.
 - Structures located on the perimeter must be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.
 - The rear lot of residential structures that front a state, arterial, or collector road must provide adequate screening from the roadway.
 - Structures on the perimeter must step down to no more than one story above adjacent structures.
- iv. The pattern of existing streets and pedestrian connections shall be continued from and to existing developments. Stubouts should be provided for future connectivity to adjacent developments. Stubouts must be provided on dedicated public roads only to allow for eventual through traffic.
- v. Landscaping shall be provided in accordance with Chapter 7 of this Resolution. Landscape buffering requirements along the perimeter of an MXU-PUD development shall be determined by the RPC staff. Buffering requirements shall be based upon the use(s) proposed along the perimeter of the MXU-PUD development and the adjacent zone district. The buffer yard matrix shall be used as a guide in this determination.

d. Uses

- i. The following uses are not permitted in an MXU-PUD:
 - Adult Oriented Establishments
 - Automobile Parts Sales (With Outdoor Display)
 - Automobile Rentals
 - Automobile Repair Service, Major
 - Automobile Sales
 - Boat Dealers
 - Boat Repair and Service
 - Building Contractor Supply
 - Bus and Truck Service
 - Crematory
 - Farm / Garden Machinery and Equipment Sales and Repair
 - Heavy Equipment Sales
 - Kennel, Breeding
 - Kennel, Boarding
 - Manufactured Home Sales
 - Self-Storage/Mini
 - Tire Recapping
 - Tow-in-lots
 - Wrecker Services
 - Freight Transportation

e. Open Space.

- i. **Quantity of open space:**