

ORDINANCE NO. 9-2024

AN ORDINANCE AMENDING THE "ZONING ORDINANCE OF THE TOWN OF CUMBERLAND GAP, TENNESSEE" BY AMENDING CHAPTER 11, SECTION 14-1114 "PLANNED DEVELOPMENT GUIDELINES" ELIMINATING THE 4 ACRE REQUIREMENT FOR A PLANNED UNIT DEVELOPMENT

WHEREAS, the Cumberland Gap Board of Mayor and Aldermen, in accordance with Section 13-7-204 of the Tennessee Code Annotated, may amend the "Zoning Ordinance" and the "Zoning Map" of Cumberland Gap, Tennessee;" and

WHEREAS, at its December 2, 2024 meeting, the Cumberland Gap Municipal Planning Commission recommended that Section 14-1114 the "Zoning Ordinance of Cumberland Gap, Tennessee" Planned Development Regulations be amended.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Cumberland Gap, Tennessee:

Section 1. The "Zoning Ordinance of Cumberland Gap, Tennessee" Section Chapter 11, 14-1114 be amended in its entirety and to read as follows:

CHAPTER 11 **SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC, TO SEVERAL, OR TO ALL DISTRICTS**

14-1114 PLANNED UNIT DEVELOPMENT GUIDELINES

SECTION

14-114 (1) Purpose.

14-1114 (2) Concept.

14-1114 (3) General Requirements

Planned Unit Development. The following regulations for planned unit developments shall be submitted to the planning commission for approval and shall comply with the regulations established in this section.

14-114 (1). Purpose. The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide diversification in the relationship of uses and structures to their sites and also provide flexibility which will create a more desirable living environment. A PUD shall mean an integrated, professionally prepared design for development of residential, commercial, or industrial uses or as permitted combinations of such uses to allow application of new techniques and technology of site and building design and location, thus achieving economies in land usage, maintenance, and street and utility systems while providing for attractive open areas, safe circulations and general well-being of the inhabitants.

14-114 (2). Concept. A PUD may be developed in any district provided that the uses permitted and density requirements of the district allow the development and the PUD plan elements are approved by the planning commission. Residential, commercial, or industrial uses, or combinations of these uses where district or special regulations permit, may be developed under the PUD concept. Cluster type subdivisions and condominiums, townhouses, multi-dwelling unit, rental developments, multi-use commercial uses, industrial uses, mobile home parks, travel trailer parks and multi-use or ownership developments shall be considered as PUDs for the purpose of this ordinance.

14-114 (3). General Requirements. All PUD developments shall comply with the following requirements:

14-114. (3) a. Minimum site: No PUD shall have an area less than that required by the planning commission as adequate for the proposed project; however, the minimum site shall not be less than the minimum lot size required in the district in which the proposed project is to be located. A minimum lot size PUD may be allowed to vary setback requirements upon approval of the planning commission. However, in no case shall the minimum setbacks be less than those required in the zoning district.

14-114. (3) b. Structures and spaces: The planning commission shall require arrangement of structures and open spaces within each site as necessary to assure that adjacent uses will not be adversely affected.

14-114. (3) c. Open Space Requirements. Preservation, maintenance, and ownership of open space areas and facilities shall be established in the appropriate legal manner.

14-114. (3). c. (i). Dedication to the public as part of parks and open space system;

14-114. (3). c. (ii). By the homeowner's association;

14-114. (3). c. (iii). By the developer or management authority of the PUD.

The project may include tennis courts, swimming pool, equipped play area, clubhouse, or other similar recreation facilities.

14-114. (3) d. Off-street Parking Requirements:

Single-family (including cabins, chalets, etc.), townhouse and duplex –
Two (2) spaces per dwelling unit, up to three (3) bedrooms per unit, with

an additional one-half (1/2) space for each additional bedroom beyond three (3).

Multi-family units (including apartments, “condominiums,” time-share units, etc.)		
# of Bedrooms	# of Required Parking Spaces	Maximum Size of Units*
1	2	1,000 sq. ft.
2	2	1,300 sq. ft.
3	2	1,600 sq. ft.
4+	An additional space for each bedroom over three	An additional 300 sq. ft. for each bedroom over three

(1979 Code, § 11-915, as renumbered by Ord. #9-2005, Oct. 2005, and Ord. #10-2013, Dec. 2013, and amended by Ord. #6-2018, Dec. 2018 Ch7_01-07-19)

*The Planning Commission will review whether the number of parking spaces is adequate for units that exceed the maximum size for the number of bedrooms provided. Additional spaces may be required if the Planning Commission determines that the larger units may house more guests than would be normal for a unit with a certain number of bedrooms. The planning commission may increase the number of parking spaces based on the maximum occupancy of the unit to two parking spaces per bedroom or sleeper sofa/couch.

14-114. (3) e. Height and Density. No PUD shall exceed general regulations for the district in which it is to be located, except that residential PUDs in R-2 Residential Districts may be allowed to exceed height limits but not to exceed two story of human occupancy when the following conditions are met and all conditions approved by the planning commission in the approval process. Structures designated for schools, churches, and other similar public uses shall not be used in any density requirements. However, the open space around these structures may be so computed.

14-114. (3) f. Fire hydrants are installed so that any part of all buildings can be reached with a hose length of five hundred feet for commercial uses or eight hundred feet for residential uses or current building or fire codes if more stringent.

The project may include tennis courts, swimming pool, equipped play area, clubhouse, or other similar recreation facilities.

14-114. (3) g. Signage. Each residential PUD shall be limited to one major sign as regulated in Section 14-1109. and any number of small accessory signs for information purposes. These signs shall be traffic directional signs or wall signs attached to the wall of a building or located within the yard area. Commercial and industrial PUDs shall meet general signage requirements.

14-114. (3) h. Subdivision Regulations. A PUD plan has a direct relationship with subdivision regulations. Therefore, arrangement of public and common ways for pedestrian and vehicular circulation shall be in relationship with other existing or planned streets and ways and with the Cumberland Gap Major Road Plan. Project street and way improvements shall comply with the

standards set forth in the subdivision regulations. However, the uniqueness of each proposed PUD may require slight variances from widths of streets, ways, utility easements, curbing, and similar standards on the subdivision regulations. Upon application by the owner/developer and good cause shown, the planning commission may permit changes or alterations of these standards, provided they are consistent with the spirit and intent of this section. These modifications may only be approved as a variance on the approval of the preliminary subdivision plat which is concurrent with final approval of the PUD plan.

14-114. (3) i. Plan Requirements. The plan shall show the general location of buildings and uses, general circulation patterns, open space and recreation areas, parking areas, ingress/egress points, sketch elevations and drainage, an engineer's calculations and certification that the plan meets a two, five and ten year storm event, the boundary dimensions, overall density of development, public uses, landscaping concepts, zoning classification, and other information deemed pertinent by the planning commission.

14-114. (3) j. The Final PUD Plan shall also include detailed architectural/ engineering plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscape areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts of legal documents, and other information deemed pertinent by the planning commission.

The subdivision plat shall meet all requirements for approval as noted in the Cumberland Gap Subdivision Regulations.

The PUD applicant may elect to develop the site in successive stages. The stages and expected development periods shall be shown on the PUD development plans. However, each stage approved must be substantially complete within its segment. The planning commission may also require the development of a PUD project in stages if public facilities are not adequate to handle the entire development initially. No subsequent stages or phases shall be approved if the preceding phase or stage is not over seventy-five (75) percent completed in terms of installation of all infrastructure – water, sewer, roads, electrical, etc.

14-114. (3) k. Changes and Modifications. A PUD project may be changed or modified under conditions established for minor changes and major changes.

14-114. (3) l. Minor Changes: The planning commission may approve changes in minor shifts of building locations proposed streets and ways, utilities and easements, recreation and open space areas or other features on the approved plan. However, these changes shall not increase densities, change exterior boundary lines, change uses, materially change location or amount of land devoted to specific uses, or significantly change the exterior features or appearance of buildings and uses shown on the approved plans.

14-114. (3) m. Major Changes: All changes other than those established as minor shall be considered as major changes to the PUD plan and shall require a new plan submission in accordance with the procedures and requirements for approval of a PUD plan.

Section 2. This Ordinance shall take effect from and after its passage, the public welfare requiring it.

Passed on first reading: February 3, 2025
Passed on second reading: _____, 2025.
Public Hearing held: _____, 2025.

Mayor

Recorder