



Municipal-Regional Planning Commission

November 19, 2020

6:30 p.m.

Meeting Agenda

Atoka Town Hall, 334 Atoka-Munford Avenue, Atoka, TN

- I. Call to Order & Establishment of a Quorum
- II. Approval of the Minutes
Regular Commission meeting – October 22, 2020
- III. Reports
Code Enforcement Monthly Activity Report – Rex Wallace, Director of Code Enforcement
- IV. Old Business – Shelly Johnstone, AICP
 - A. Consideration of Amendments to the Atoka Zoning Ordinance
- VI. Miscellaneous Items from the Planning Commission
- VII. Citizen Concerns
- VIII. Adjourn



Municipal-Regional Planning Commission

Meeting - Minutes

Atoka Town Hall
334 Atoka-Munford Avenue

Thursday October 20, 2020
6:30 p.m.

The **Atoka Municipal/Regional Planning Commission** met with the following members present:

Michael Smith
John Harber

Keith Moore
Stephen Shopher

Brett Giannini
Vicki Shipley via Zoom

Absent:

Also attending:

Shelly Johnstone, AICP, Town Planner
Amanda Faurbo, Acting Clerk
*Attached Sign In sheet

Bill Scott, Atoka Fire Department
Marc Woerner, Town Administrator

Rex Wallace, Director
Ben Ledsinger, Town Engineer

Planning Commission Meeting was called to order at 6:31 pm.

Previous Minutes September 17, 2020—Commissioner Moore made a motion to approve the September 17, 2020 minutes as presented. Commissioner Harbor seconded. Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Shipley, Yes. Commissioner Moore, Yes. Commissioner Smith, Yes. Commissioner Shopher, Yes. Commissioner Giannini, Yes. All Approved. Motion Carried.

REPORTS

Code Enforcement Monthly Activity Report – Rex Wallace, Director reviewed as presented.

OLD BUSINESS

1. **Consideration of Sterling Meadows Preliminary Plat – Tony Terhune, Apex Home Builders** Town Planner Shelly Johnstone, AICP presented the Preliminary Plat staff report from the previous meeting, where the plat was tabled for further work on the issues presented in the report. She reported that the staff and Town Engineer met with the developer's engineers after the September meeting, but that because there were no changes in the plat from what was presented at that meeting, there were no new staff recommendations. Tony Terhune, Apex asked how the Commission could deny the Plat if it meets all the requirements of the regulations. Will Patterson, Apex attorney spoke on the concerns of the definition of a legal subdivision and how the project does meet the legal description of a subdivision. Bill Scott, Atoka Fire Department, spoke in regard to the adoption of the 2015 Fire Code which addresses the required emergency vehicle access. Chair Shopher stated that citizens in Sterling Ridge have started a petition against any further development in the area due to emergency access concerns. Pinky Dike of WH Porter asked the Commission if he could give them a history of the project. He stated that conversations about this project and Sterling VII began with a prior Town Administrator, Brian Koral. Mr. Dike stated that they discussed a cut through on the Nugget Lane cul-de-sac as a possible option to improve emergency apparatus access. The cut through option did not happen and the builder is building homes on the lots in that cul-de-sac. Three citizens stated their concerns about safety if additional houses are added to the series of subdivision sections already built. Commissioner Giannini made a motion to deny the Preliminary Plat for Sterling Meadows for the following reasons: The proposed subdivision does not adequately address the overall health, safety, and well-being of the citizens of Atoka, it does not provide adequate emergency apparatus which is in violation of the 2015 Fire Code and does not provide adequate general traffic access, and has a future road extension that is planned to be too close to the TVA tower. Commissioner Smith seconded. Commissioner Shopher called for a roll call vote.

Commissioner Harber, Yes. Commissioner Shopher , Yes. Commissioner Moore, Yes. Commissioner Smith, Yes. Commissioner Shipley, Yes. Commissioner Giannini, Yes. All Approved. Motion Carried.

2. Consideration of Amendments to the Atoka Zoning Ordinance & Subdivision Regulations/ appointment of a committee to review - Shelly Johnstone, AICP requested the Commission to establish a committee to review an annotated version with all corrections and changes to the zoning ordinance . Commissioner Giannini requested a temporary moratorium on all sign permits until the review is complete and presented to the Board for approval. The Commission agreed to establish a committee which will include some citizens, a developer, a couple of Planning Commissioners, a Board member and staff. Commissioner Giannini made a motion to send a recommendation to the Board of Mayor and Alderman to approve a temporary moratorium on issuing any sign permits until December. Commissioner Smith seconded. Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Shopher , Yes. Commissioner Moore, Yes. Commissioner Smith, Yes. Commissioner Shipley, Yes. Commissioner Giannini, Yes. All Approved. Motion Carried.

NEW BUSINESS

1. Leducor Site Plan Review for telecommunications facility. Town Planner Shelly Johnstone, AICP presented the site plan for the Viasat telecommunications facility. Leducor representative Tom Hodges answered questions from the Commission via ZOOM. Commissioner Harbor made a motion to approve the Site Plan as presented with the fencing recommendation from the Town Planner. Commissioner Giannini seconded. Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Shopher , Yes. Commissioner Moore, Yes. Commissioner Smith, Yes. Commissioner Shipley, Yes. Commissioner Giannini, Yes. All Approved. Motion Carried.

2. Report on staff approval of minor subdivisions Town Planner Shelly Johnstone, AICP presented Smith and Bethel Minor Plat , Lot 8 & 108 Williamsburg and Vucon Commercial Subdivision which were all approved in house.

3. Plat Amendment- Lochmeade III Subdivision Lots 37 and 38 Town Planner Shelly Johnstone, AICP presented Lochmeade III Lots 37 and 38 as a minor subdivision needing approval of the Planning Commission. David Tucker, D & D explained the circumstances for the request to amend the plat. The plat was reviewed by the BZA for a variance request which was granted prior to the Planning Commission meeting. Commissioner Harber made a motion to approve the minor subdivision. Commissioner Giannini seconded. Commissioner Shopher called for a roll call vote. Commissioner Harber, Yes. Commissioner Shopher , Yes. Commissioner Moore, Yes. Commissioner Smith, Yes. Commissioner Shipley, Yes. Commissioner Giannini, Yes. All Approved. Motion Carried.

OTHER BUSINESS - NONE

MISCELLANEOUS ITEMS FOR THE PLANNING COMMISSION – Commissioner Harber asked the Town Administrator if there were any updates on the appointment for the Regional Planning Commissioner. Marc Woerner, Town Administrator advised he would be putting the information out the following week.

CITIZEN CONCERNS– Trisha Phelps, Sterling Ridge Subdivision Property Owner, thanked the Commission for taking the citizens’ concerns into consideration during the Sterling Meadows Plat review.

ADJOURNMENT

Commissioner Harber made a motion to adjourn. Commissioner Moore seconded. All approved.

Meeting adjourned at 7:42pm.

Stephen Shopher, Chair

Vicki Shipley, Secretary

Code Enforcement Monthly Report
2020

PERMIT INFORMATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Building Permit - Commercial		1											1
Building Permit - Industrial													0
Building Permit - Residential - Addition	1	1	2	1		2	1			2			10
Building Permit - Residential - New Build	5	8	6	14	9	9	14	11	13	6			95
Building Permit - Residential - Upstairs Finish	1			2	2	1			1				7
Misc Permit - Detached Garage						1		1					2
Misc Permit - Fence													
Misc Permit - Fireworks Stand					2	2				1			5
Misc Permit - Pool Permit		1			5	4	5	1	12	1			29
Misc Permit - Sign Permit			1			1	1	1	1	1			5
Misc Permit - Storage Shed	2	3				6	3	4	2	4			24
TOTAL PERMIT INFORMATION	9	14	9	17	18	26	24	17	29	15	0	0	178
CERTIFICATE OF OCCUPANCY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Certificate of Occupancy - Commercial													0
Certificate of Occupancy - Industrial													0
Certificate of Occupancy - Residential	5	7	11	7	12	19	7	4	17	7			96
TOTAL CERTIFICATE OF OCCUPANCIES	5	7	11	7	12	19	7	4	17	7	0	0	96
BUILDING INSPECTIONS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Form Board / Set Back Inspection	4	1	1	10	5		11	3	15	9			59
Footing Inspection				1		6							7
Plumbing Inspection	9	6	8	8	8	7		3	11	16			76
Sheeting Inspection	5		7	3	7	3	7	5	12	10			59
Brick Ties Inspection	12	9	7	6	3	7	7	6	12	7			76
Framing Inspection	9	12	7	9	6	14	8	5	10	8			88
Insulation Inspection	3	12	3	5	5	6	7	2	10	4			57
TOTAL BUILDING INSPECTIONS	42	40	33	42	34	43	40	24	70	54	0	0	422
CODE ENFORCEMENT ACTIONS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Municipal Court Citations													0
Property Maintenance Complaints - Closed	17	22	18	28	33	20	37	39	17	21			252
Property Maintenance Complaints - Receiver	19	19	58	46	63	43	56	91	47	36			478
TOTAL CODE ENFORCEMENT ACTIONS	36	41	76	74	96	63	93	130	64	57	0	0	730
PERMIT FEES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Collected Fees	\$2,696	\$3,672	\$3,638	\$7,700	\$5,551	\$11,832	\$8,355	\$6,758	\$9,035	\$4,520	\$0	\$0	\$63,758
TOTAL PERMIT FEES	\$2,696	\$3,672	\$3,638	\$7,700	\$5,551	\$11,832	\$8,355	\$6,758	\$9,035	\$4,520	\$0	\$0	\$63,758
COMMENTS	Fence Permits issued: 2												

OFDINANCE NUMBER _____

AN ORDINANCE TO AMEND THE TOWN OF ATOKA'S MUNICIPAL ZONING ORDINANCE BY ADDING A NEW ZONING DISTRICT FOR PLANNED UNIT DEVELOPMENTS

TITLE 14-201 ARTICLE 13-PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

13.1 Intent

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 should not be utilized as a device just for making increased densities more acceptable or as a means of circumventing the Town's development regulations.

13.2 Objectives

The Board of Mayor and Aldermen may, upon proper application, rezone a site of any size to PUD 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. Ensure a quality of construction commensurate with other developments within the Town.
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.

13.3 Planned Unit Developments

Under this section, Planned Unit Developments (PUD) shall be permitted, subject to the stated requirements. PUD's are established by overlaying a Preliminary Development Plan over the existing district. The overlays are as follows: PUD (Planned Unit Development) over all zoning districts. A zoning amendment is required following the procedures outlined in this section and in accordance with Title 14.20, Article 17 of this Zoning Ordinance.

13.4 Modification of District Regulations

Planned Unit 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 Unit Development shall be governed by the regulations of the district or districts in which the said Planned Unit Development is located.
2. The Ordinance approving the preliminary development plan for the Planned Unit 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 Unit 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 Unit 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 Unit 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 Unit 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 Unit Development is located.

13.5 Coordination with Subdivision Regulations

The uniqueness of each proposal for a Planned Unit 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. Modifications may be incorporated only with the review of the Atoka Planning Commission and approval of the Board of Mayor and Aldermen as part of its review of the Development Plan for a PUD 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 Unit Development under this section of the Zoning Ordinance.
2. The development plans submitted under **Procedures for Planned Unit Development Approval** 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 PUD's, and all actions of the Board of Mayor and Aldermen pertaining to PUD's shall be based upon a recommendation by the Planning Commission.

13.6 General Provisions

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

13.7 Application for Planned Unit Development Permit Required

Each application for a Planned Unit 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 by the Planning Commission.

13.8 Waiver of Board of Zoning appeals Action

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

13.9 Ownership and Division of Land

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

13.10 Design

1. Professional Design: The Atoka Planning Commission shall not consider any development plan for any proposed Planned Unit Development, either on a preliminary or final basis, nor shall the Atoka Board of Mayor and Aldermen concur with any preliminary development plan for a proposed Planned Unit 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 for utility placement and storm water facility development. Applicants may also use the services of a land planner or landscape architect in the development of the plan.

2. Site and Design Review: At a minimum, the Site and Design Review Standards in the Atoka Zoning Ordinance shall apply to commercial, multiple family, industrial, and institutional uses of any PUD overlaying any zoning district in the Town.

3. Architecture: A pattern book, a 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 Unit Development plan submitted to the Planning Commission and the Board of Mayor and Aldermen. The book 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. Attached unit buildings shall provide a variation in building height, setbacks, rooflines, window, door openings, materials and colors. 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 the garage recessed a minimum of five (5) feet behind the front building line.

4. **Development Period; Staging**

The expeditious construction of any Planned Unit 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.

13.11 Start of Development

1. Within five years from the date of preliminary approval of a PUD, 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.

2. Completion Period

The Atoka Planning Commission may establish a reasonable period of time for the completion of the Planned Unit Development at the time the PUD district is established.

3. Staging of Development

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

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 Town Engineer for bonding purposes.

4. No building designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to the construction of less than 25% of the dwelling units proposed in the plan, or construction of 100 dwelling units, whichever is smaller.

13.12 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.

1. A minimum total area of 10% of the gross residential area shall be set aside as parks and playgrounds. Of this 10%, a maximum of one half may be covered with water. A maximum of 5% of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area.
2. Common open space may be usable for active or passive recreational purposes and 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 Unit Development considering its size, density, expected population, topography and the number and type of structures to be provided.
3. 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.
4. 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 Unit 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.
4. No common open space of a Planned Unit Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners' association or other responsible party unless the Atoka 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 Unit 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.
5. 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 Atoka Planning Commission and Atoka 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 Town of Atoka 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 Unit 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 Unit 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.

(c) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the Planned Unit Development that have a right of enjoyment of the common open space and shall become a lien on said properties.

(d) If the common open space is deeded to a Homeowners' 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 must pay their pro rata share of the cost of the assessment levied by the association to meet changed needs.

13.13 Dedication of Public Facilities

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

13.14 Bond Requirement for Improvements

The Planning Commission shall require that a performance bond be furnished and filed with the Town of Atoka for private and public improvements in coordination with the procedures set forth in Atoka's Municipal Subdivision Regulations.

13.15 Relation to Utilities, Public Facilities

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

13.16 Site Planning

Site planning within any PUD 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 plans shall be required for all uses except single family detached dwellings.

13.17 Accessory Off-Street Parking and Loading

Accessory off-street parking and loading in the PUD shall be regulated by Article Title 14-201, Article 3.10 of this Zoning Ordinance, but may be modified to meet the goals of the PUD.

13.18 Specific Standards and Criteria for Planned Unit Developments

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

13.19 Permitted Uses

The following uses are permitted subject to review by the Planning Commission and approval of the Board of Mayor and Aldermen.

- a. Any permitted use, accessory use, or conditional use allowed in the underlying residential district or districts.
- b. Other uses specifically permitted by the Planning Commission and the Board of Mayor and Aldermen in their review of the Preliminary Development Plan for the PUD development.

13.20 Residential Densities

In order to encourage ingenuity, imagination, and high quality design, regulations on residential areas will not specify minimum lot area per dwelling unit but will limit density in residential areas to 5 families per acre in single family/two family dwellings, or 20 families per acre in multifamily dwellings, subject to the appropriate provision of municipal services. This will allow clustering of dwellings to provide maximum open space.

13.21 Density Bonuses

In order to qualify for a density bonus for single-family and two-family residential uses (base of 5 units per acre) the property proposed for Planned Unit Development shall meet one (1) or more of the following:

1. The applicant must demonstrate in writing and other appropriate materials, that the property proposed for a density bonus contains significant and/or unique site conditions, significant natural features, or large open spaces which would otherwise be developed but which will be preserved from development as a result of exercising the density bonus (conservation development);
 - a. Open Space Calculations. A PUD density bonus shall be based on an aggregate of one (1) or more of the following elements for which the PUD qualifies, as determined during the Preliminary Plan review; provided the total density bonus shall not exceed a maximum of sixty (60%) percent of the units otherwise permitted. Where applicable, the Board of Mayor and Aldermen, after recommendation by the Planning Commission, may award a smaller bonus than the maximum permitted below. In determining the amount, if any, of a density bonus to be awarded, the Board of Mayor and Aldermen and Planning Commission shall consider the location, character, quality and extent of the elements provided.

- b. Clustered development may qualify for density bonuses in accordance with the following:
 - i. Not less than thirty (30) percent open space. Five (5) percent density bonus.
 - ii. Not less than thirty-five (35) percent open space. Ten (10) percent density bonus.
 - iii. Not less than forty (40) percent open space. Fifteen (15) percent density bonus.
 - iv. Not less than forty-five (45) percent open space. Twenty (20) percent density bonus.
 - v. Not less than fifty (50) percent open space. Twenty-five (25) percent density bonus.
 - vi. Not less than fifty-five (55) percent open space. Thirty-five (35) percent density bonus.
 - vii. Not less than sixty (60) percent open space. Forty-five (45) percent density bonus; and,
- c. The PUD provides one (1) or more of the following features:
 - i. Walking trails/bikeways/pathways (excluding sidewalks which are required) through the entire PUD and/or links to adjacent facilities of a similar nature (10%).
 - ii. Parks and playgrounds in excess of the required 10% of gross residential area (10%).
 - iii. Innovative design features, such as traditional neighborhood development, traffic calming measures, innovative stormwater management (such as rain gardens, pervious surface paving, or vegetative swales), and other similar features throughout the development (20%).
 - iv. Dedication of acreage for needed public facilities (10%).

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.

13.22 Accessibility of Site for Automobiles

All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Unit 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.

13.23 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, berms, and/or hedges and screening walls.

13.24 Pedestrian Circulation

The development should include a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

13.25 Privacy

The Planned Unit Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the Planned Unit 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.

13.26 Procedures for Planned Unit Development Approval

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

13.27 Pre-Application Procedure

1. At least fifteen (15) days prior to filing any application for a Planned Unit Development, the prospective applicant shall request a pre-application conference with the Planning Staff.
2. To obtain information, each applicant shall confer with the planning staff in connection with the preparation of the Planned Unit Development application. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Unit 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 Unit Development application.

13.28 Preliminary Development Plan

A preliminary development plan shall be submitted to the Planning Commission with the application for the Planned Unit Development.

13.28.1 Written Documents

1. A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.

2. A statement of planning objectives to be achieved by the PUD 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.

3. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.

4. If the Planned Unit Development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

5. the approximate date when construction of the project can be expected to begin;

6. the order in which the phases of the project will be built;

7. the minimum area and the approximate location of common open space and public improvements that will be required at each stage.

8. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.

9. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate net residential densities; total amount of open space (including a separate figure for usable open space).

10. 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 Unit Development, or, 2. the bulk regulations under which the Planned Unit Development is proposed.

13.28.2 Site Plan and Supporting Maps

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

1. The existing site conditions including contours at two-foot (2') intervals, water courses, flood plains, unique natural features and tree cover.
2. Proposed lot lines and plot designs.
3. 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.
4. 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.
5. 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.
6. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.
7. 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.).
8. A general landscape plan indicating the treatment of materials used for private and common open spaces, including locations of existing trees or clusters of trees.
9. Enough information on land areas adjacent to the proposed PUD 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.
10. The proposed treatment of the perimeter of the PUD including materials and techniques used such as screens, fences and walls..
11. Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PUD.

13.29 Preliminary Development Plan Approval Process and Effect of Approval

At least thirty (30) 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 Unit Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next regular meeting.

The Board of Mayor and Aldermen shall hold a public hearing on the application for the Planned Unit 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 Title 14-201, Article 17.3 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 Unit Development and preliminary development plan subject to conditions, and if approved, shall set forth the conditions imposed.

The approved preliminary development plan shall bind the applicant, owner, and mortgagee, if any, and the Town of Atoka with respect to the contents of such plan.

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

13.30 Final Development Plan Approval Process

An application for approval of a final development plan of the entire Planned Unit Development, if it is to be completed in one phase, or of a portion of the Planned Unit Development, if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) 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:

1. A plan/plat suitable for recording with the Tipton County Register's Office.
2. Proof referred to on the plan and satisfactory to the Town Manager as to the provision and maintenance of common open space.
3. All certificates, seals and signatures required for the dedication of land and recordation of documents.
4. 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 and industrial uses.
5. Location and type of landscaping.
6. Location and dimensions of utility and drainage facilities.
7. All other requirements of a Final Plan under the Atoka Municipal Subdivision Regulations.

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.

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 Town of Atoka Subdivision Regulations and the required signatures for recordation have been secured.

13.31 Zoning Administration – Permits

The Building Official may issue building permits for the area of the Planned Unit 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 Unit 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.

13.32 Reapplication if Denied

If any application for a Planned Unit Development is denied by the legislative body, a reapplication pertaining to the same property and requesting the same Planned Unit 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.

13.33 Procedure for Amendment

A Planned Unit 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.

SECTION 2. This Ordinance shall become effective immediately upon its final passage, the public welfare requiring it.

PASSED on the First Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the _____ day of _____, 2020.

PUBLIC HEARING held by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the _____th day of _____, 2020.

PASSED on the Second Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the _____th day of _____, 2020.

W. Daryl Walker, Mayor

ATTEST:

Town Recorder

NOTICE OF PUBLIC HEARING

Pursuant to Tennessee Code Annotated Section 13-7-203 and 13-7-303 notice is hereby given 15 days in advance, of a public hearing to be held by the Board of Mayor and Aldermen of Atoka, Tennessee on the ____th day of _____, 2020 at 6:45 PM at Atoka's Town Hall. The hearing is to receive public input on amending the Town of Atoka's Municipal Zoning Ordinance by the following:

All interested persons are encouraged to attend and to comment on this rezoning.

Johnstone & Associates
3469 Countrywood Road
Belden, MS 38826
662-419-0161
Sjohnstone73@icloud.com

MEMORANDUM

TO: The Atoka Municipal-Regional Planning Commission
RE: Staff Recommendations for the November, 2020 meeting of the Municipal-Regional Planning Commission – Atoka Zoning Ordinance Proposed Changes
FROM: Shelly Johnstone, AICP
DATE: November 19, 2020

Planned Unit Development:

At the November, 2019 Planning Commission meeting, the Atoka Planner suggested the Town develop an overlay zoning district that would permit more innovative developments in the Town. This ordinance amendment provides for a new overlay district in the Zoning Ordinance. It was patterned after the Munford ordinance because some local developers have experience with that ordinance, and reviewed by a Committee appointed by the Planning Commission Chairman (The Planning Commission first reviewed the PUD ordinance at its September, 2020 meeting). That Committee finished its review of the PUD and other proposed changes at a meeting on November 17, 2020. That ordinance provision is attached to this staff report.

Sign Ordinance Provisions:

Add Definitions for Outdoor Advertising or Off-Premise Sign, On-Premise Sign, Substitution Clause, Freestanding Sign, Monument Sign, Window Sign, Master Sign Program.

Delete: Existing Freestanding Sign definition.

Add to Applicability – Effect: a substitution clause.

Delete Section on Master and Common Signage Plan, but retain requirement for such for Planned Unit Developments and Shopping Centers.

Add regulation for window signs.

Remove Tables A and B and put regulations in narrative form.

Any non-wall sign in the NC District shall be a monument sign.

Miscellaneous Changes:

Define mobile homes, manufactured housing, modular housing.

Define wireless communications facilities.

Rename Title 14.4 Specific Standards for Wireless Communication Facilities”, and redefine the purpose of the regulations.

Change the abbreviation of Industrial to “I” from “M”

Limit principal buildings per lot to one (already is in residential districts).

Specify that Flood Hazard definitions in that section are for that section only.

Add uses Permitted on Appeal to N-C and G-C Zones (institutional, churches, etc. – already permitted on Appeal in residential zones).

Add Multiple-Family use as a Permitted Use in the R-3 Zone.

Add Golf Courses and Country Clubs as a Use Permitted on Appeal in the R-1 Zone (is allowable in the R-2 Zone).

Remove non-prescriptive language in Daycare Regulations.

Change the Design Requirements for uses in the R-3 Zone (75% masonry).

To allow the Town Planner to take certain appeals to the BZA.

Change to Town Planner from Building Inspector to bring Pattern Book amendment to the governing authorities (Commercial design).

Add “developed” properties to Design Review Requirements (intent is already there).

Add Institutional uses Permitted on Appeal in Residential Districts to the Design Review Requirements.

ORDINANCE NUMBER _____

AN ORDINANCE TO AMEND THE ATOKA ZONING ORDINANCE TO DEFINE MOBILE HOME, MANUFACTURED HOUSING, MODULAR HOUSING AND WIRELESS COMMUNICATIONS FACILITIES, TO RENAME TITLE 14.4 “SPECIFIC STANDARDS FOR WIRELESS COMMUNICATION FACILITIES” AND REDEFINE THE PURPOSE OF THE REGULATIONS, TO CHANGE THE ABBREVIATION FOR THE INDUSTRIAL ZONE TO “I” FROM “M”, AND TO LIMIT PRINCIPAL BUILDINGS PER LOT TO ONE, TO SPECIFY FLOOD HAZARD DEFINITIONS TO BE SPECIFIC TO THAT SECTION, TO ADD USES PERMITTED ON APPEAL TO N-C AND G-C ZONES, TO ADD MULTIPLE FAMILY USE AS A PERMITTED USE IN THE R-3 ZONE, TO ADD GOLF COURSES AND COUNTRY CLUBS AS A USE PERMITTED ON APPEAL IN THE R-1 ZONE, TO REMOVE NONPRESCRIPTIVE WORDING IN DAY CARE REGULATIONS, TO CHANGE THE DESIGN REQUIREMENTS FOR USES IN THE R-3 ZONE, TO ALLOW TOWN PLANNER TO TAKE APPEALS TO THE BZA, CHANGE BUILDING INSPECTOR TO TOWN PLANNER TO BRING PATTERN BOOK AMENDMENT TO GOVERNING AUTHORITIES, TO ADD “DEVELOPED” PROPERTIES TO DESIGN GUIDELINES, TO ADD INSTITUTIONAL USES PERMITTED ON APPEAL IN RESIDENTIAL ZONES TO DESIGN REVIEW REQUIREMENT.

TITLE 14-201 ARTICLE 2 DEFINITIONS. To add the following definitions to Article 2:

Dwelling, Manufactured Home: A factory-built, single-family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. It must be permanently connected to utilities, and used for year-round occupancy. It may consist of two or more components that can be separated when transported but designed to be joined into one integral unit. Manufactured Home regulations are enumerated in Section 3.14.

Dwelling, Mobile Home: A dwelling, constructed prior to June 15, 1976, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. A mobile home by this definition does not qualify as a manufactured housing unit. Mobile homes are not permitted in the Town of Atoka.

Modular Home: A home constructed of factory-produced components, including wall panels of open or closed construction and not involving a permanent or temporary steel chassis. Open wall panels are wall sections containing exterior sheathing only, with necessary plumbing, electrical, heating, air conditioning, insulation, and interior sheathing installed at the building site. Closed wall panels are shipped from the factory as complete wall units containing necessary electrical, plumbing, heating, air conditioning, insulation, interior, and exterior sheathing installed and connected at the site. All service systems and connections as well as construction must comply with all local and state codes and ordinances.

Wireless Communication Facilities: Wireless Communication Facilities shall include all buildings, cabinets, structures and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers, relating to the low power mobile voice transmission, data transmission, video transmission, and radio transmission, or wireless transmission; accomplished by linking a wireless network of radio wave transmission devices (including, but not limited to wire, cable, fiber optics, laser, microwave, radio, satellite, portable phones, pagers, mobile phones, or similar facilities) to conventional ground-wired communications systems (including, but not limited to telephone lines, video, and/or microwave transmission) through a series of short range, contiguous cells that are part of an evolving cell grid. This includes all facilities to aid in "personal wireless services" as defined in the Telecommunications Act of 1996, which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

TITLE 14-201 ARTICLE 12-PROVISIONS GOVERNING M (INDUSTRIAL) DISTRICTS. Change abbreviation for Industrial zone to "I" from "M", wherever it is located in the district regulations.

TITLE 14-201 ARTICLE 3 – GENERAL PROVISIONS FOR ALL ZONING DISTRICTS. Add Section 3.9 *Every building hereafter erected or structurally altered shall be located on an approved lot and in no case shall there be more than one main building on one lot except as otherwise provided in the ordinance.*

TITLE 14-Sections 10.6, 11.6, 12.6 Maximum number of Principal Buildings Permitted for G-C, N-C, and I zones. **Delete** sections that say "uses other than residential shall have no limitations on the number of buildings provided however, that the aggregate if all buildings shall not cover more than thirty-five (35) percent of the entire lot area 5.7,6.7,7.7, 8.7,9.7.

TITLE 14.4 Specific Standards for Non-Inhabitable Structures that Exceed Height Limits.
Change to Specific Standards for Wireless Communication Facilities.

TITLE 14-201 ARTICLE 14 – EXCEPTIONS AND MODIFICATIONS

SECTION 14.4 Specific Standards for Non-Inhabitable Structures that Exceed Height Limits- – Delete first paragraph *"In addition to the requirements of the applicable district, a special exception shall be granted for non-inhabitable structures when the standards established are met as part of the condition for issuing the permit in the applicable zone districts. The provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative treatment of physical features or landscaping that meet the intent and purpose of this section."*

Replace it with: *"The purpose of this Section is to establish guidelines regulating the location of telecommunication towers, antennae, and ground structures with the objective of minimizing their number, protecting and promoting public safety, and mitigating adverse visual impacts on*

the community while promoting the provision of telecommunications service to the public. Notwithstanding any other provision of this ordinance, telecommunications towers, antennae, and ground structures, when permitted by federal law and the laws of the State of Tennessee, shall be regulated and governed by the following use regulations and requirements.”

13.2 DEFINITIONS – Unless specifically defined below, words or phrases used in the (add) Flood Hazard section of this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given.

Uses Permitted on Appeal (NC and GC) – Add “*Public uses, including, but not limited to, municipal, state or federal uses such as schools, museums, office buildings, utilities. Churches. Private or parochial schools. Philanthropic or religious institutions other than churches.*”

TITLE Add as a permitted use, “Multiple-family units, designed for occupancy of three (3) or more families living independently of each other” to the R-3 Zone.”

Add golf courses and country clubs to Uses Permitted on Appeal in the R-1 Zone. Assume it was inadvertently left out as it is allowed in R-2.

Delete “shall be oriented to the care of 5-7 children” from Day Care Regulations. Not prescriptive. The rule is 12 children. (pg. 39)

Change from 50% to 75% in Design Review Standards, uses in the R-3 Zone. *In R-3 Districts, all multi-family buildings shall have a minimum of 75% of the exterior façades (excluding windows, trim and doors) covered in brick, cast stone, cultured stone, or an alternative masonry material acceptable to the planning commission. In all other districts, 75% is the standard.*

**TITLE 14-201 ARTICLE 3 – GENERAL PROVISIONS FOR ALL ZONING DISTRICTS
SECTION 3.15.2 DESIGN STANDARDS FOR MULTI-FAMILY, GENERAL COMMERCIAL, NEIGHBORHOOD COMMERCIAL AND INDUSTRIAL DISTRICTS, 3.15.2.3 APPLICABLE STANDARDS, Add “as well as all institutions such as schools, community centers, and churches regardless of the zone they are in.”**

**TITLE 14-201 ARTICLE 16 – BOARD OF ZONING APPEALS (BZA)
SECTION 16.3 APPEALS, ADD Town Planner or his/her designee as well as Building Inspector to the following provision - An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector or the Town Planner or his/her designee shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and**

decide the same within fifteen (15) days from the date of the hearing. Upon the hearing any person or party may appear and be heard in person or by agent or attorney.

ARTICLE 14-201 ARTICLE 3 – GENERAL PROVISIONS FOR ALL ZONING DISTRICTS

SECTION 3.15.2.2 Pattern book/Guidelines, Add Town Planner and his/her designee to this section:

“In order to create a better understanding of design and site planning expectations for these districts, the Mayor and Board of Alderman may additionally adopt by resolution a set of design standards or pattern book that provides guidelines for new construction including architectural style, height, landscaping and open space as well as common elements for the district such as street lighting, sidewalks, street furniture, etc. Such guidelines shall be subject to review and recommendations by the planning commission prior to adoption. In addition, the Town Administrator or his/her designee and the Town Planner or his/her designee shall review the proposal with the affected property owners at a public meeting and the legislative body shall conduct a public hearing to receive formal comment prior to adoption of such guidelines.”

TITLE 14-201 ARTICLE 3 – GENERAL PROVISIONS FOR ALL ZONING DISTRICTS

SECTION 3.15.2 Design Standards for Multi-Family, General Commercial, Neighborhood

Commercial^{xvii} and Industrial Districts^{xviii}, xix, 3.15.2.1 Purpose of standards, add the word **developed** to properties included – “Such standards are needed to encourage and protect the investment of individual property owners when their property is developed, redeveloped and improved. Accordingly, any new building or redevelopment of an existing property in the district shall be designed and constructed to be architecturally compatible in materials, scale and massing. Such standards are not intended to create a monolithic architectural appearance in these districts, but to encourage creative and attractive building elements and finishes.”

SECTION 2. This Ordinance shall become effective immediately upon its final passage, the public welfare requiring it.

PASSED on the First Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the _____ day of _____, 2020.

PUBLIC HEARING held by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the _____th day of _____, 2020.

PASSED on the Second Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the _____th day of _____, 2020.

W. Daryl Walker, Mayor
ATTEST:

Town Recorder

NOTICE OF PUBLIC HEARING

Pursuant to Tennessee Code Annotated Section 13-7-203 and 13-7-303 notice is hereby given 15 days in advance, of a public hearing to be held by the Board of Mayor and Aldermen of Atoka, Tennessee on the ____th day of _____, 2020 at 6:45 PM at Atoka's Town Hall. The hearing is to receive public input on amending the Town of Atoka's Municipal Zoning Ordinance by the following:

All interested persons are encouraged to attend and to comment on this rezoning.

ORDINANCE _____

AN ORDINANCE TO AMEND THE TOWN OF ATOKA'S MUNICIPAL ZONING ORDINANCE BY AMENDING SIGN REGULATIONS, REQUIRING MONUMENT SIGNS IN THE N-C, AND DEFINING AND REGULATING OFF-PREMISES SIGNS

SECTION 1. ADDING TO SECTION Title 14-201, **ARTICLE 2-DEFINITIONS**, the following:

Outdoor Advertising or Off-premise sign. A sign, which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

On-premise sign. A free-standing sign that advertises products or services that are sold, produced, manufactured or furnished on the property where the sign is located.

Substitution Clause. A clause in the ordinance that expressly allows noncommercial content to replace the message on any permitted or exempt sign.

Freestanding Sign. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including monument signs.

Monument Sign. A sign with no clearance from the ground to the base of the sign, that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick.

Sign, Window: A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window. Merchandise offered for sale within two and one-half feet of the window is not considered a window sign so long as it is not affixed or attached to the window.

Master sign program. A coordinated sign plan that includes details of all signs that are or will be placed on a master planned site, like a PUD, or shopping center site.

SECTION 2. That the following language be deleted from Title 14-201, **ARTICLE 2- DEFINITIONS**:

Freestanding Sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

SECTION 3: That the following language be added to Title 14-2-1, **ARTICLE 3.9.2., Applicability - Effect**:

A non-commercial message may be substituted for a commercial message on any sign permitted by the code.

Section 3.9.8 Master or Common Signage Plan provisions be deleted, except the following:

3.9.8.7 Procedures – A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the Town for the proposed development and shall be processed simultaneously with such other plan.

Section 3.9.10 Signs Exempt from Regulation under This Ordinance, the following provision shall be deleted, *Any sign inside a building attached to a window or door.*

Section 3.9.10 Signs Exempt from Regulation under This Ordinance, the following provision shall be added, *Signs in or on windows not exceeding twenty (20) percent of the window area.*

SECTION 4. That Title 14-201, **ARTICLE 3-GENERAL PROVISIONS FOR ALL ZONING DISTRICTS**, Section 3.9 “Signs, “Table A” and “Table B” be deleted in its entirety and replaced with the following Section 3.9.12 with subsequent sections being renumbered accordingly:

3.9.12 Signs by Type and Zoning District

The following provision shall regulate signs stating the permitted type, size and placement of signs. All permitted signs are limited to one type of permitted sign per street frontage unless otherwise noted in the General Provisions of this Ordinance.

In addition to the below requirements, signs shall not be placed within any required utility easements, and signs shall not obstruct views within the sight triangle at roadway or driveway intersections.

1. Sign Regulations for all Residential Districts

- A. For Residential Developments (including subdivision identification signs and Apartment Identification signs) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development are regulated as follows:
 - a. Residential subdivision identification and apartment complex identification signs must be of the monument sign style and are limited to one sign, no more than forty (40) square feet in area and eight (8) feet in height. The signs must maintain a setback of at least five (5) feet from the property line. (how many per subdivision development? Based upon length of roadway adjacent to or number of access points?).
 - b. Residential monument signs that are lighted must be externally lit and designed not to shine light onto residences or oncoming car traffic.
 - c. Residential monument signs must be landscaped at the base.

B. For Residential Districts, R-1, R-2, R-3, R-4

- a. Building markers are permitted.
- b. Off-premise signs are not permitted.
- c. The following signs are permitted for Institutions located in Residential Zones:
 - i. Building signs are permitted for institutional uses such as churches and schools. Institutional signs may not convey a commercial message. (need to define institutional signs)
 - ii. Monument signs for Institutions are limited to one sign, no more than forty (40) square feet in area and eight (8) feet in height. The signs must maintain a setback of at least five (5) feet from the property line.
 - iii. Institutional monument signs that are lighted, must be externally lit and designed not to shine light onto residences or oncoming car traffic.
- d. Real Estate Signs
- e. Political Signs

2. Sign Regulations for N-C (Neighborhood Commercial) District

A. Monument signs

- a. Monument signs are limited to one sign, no more than forty (40) square feet in area and eight (8) feet in height. The sign must maintain a setback of at least five (5) feet from the property line.
- b. Monument signs that are lighted may be internally or externally lit.
- c. Monument signs must be landscaped at the base.
- B. Wall Signs
 - a. Wall signs are limited to one sign, with a maximum area of 10% of the wall area, or not more than 150 square feet, which is smaller.
- C. Canopy Signs, Marquee Signs, Projecting Signs, Roof Signs, and Suspended Signs
 - a. These signs are subject to design review at the time of Site and Design Review by the Planning Commission. Marquees, projecting signs, or suspended signs may not extend into or above the public right-of-way.
- D. Building Markers are permitted.
- E. Off-premise signs are not permitted.

3. Sign Regulations for G-C (General-Commercial) District

- A. Freestanding Signs (including Off-site signs)
 - a. Freestanding signs are limited to one sign, no more than eighty-one (81) square feet, limited to twenty-five (25) feet in height, and must maintain a setback of ten (10) feet from the property line.
 - b. Freestanding signs for property within the U.S. Highway 51 Corridor are limited to no more than three hundred (300) square feet in area and fifty (50) feet in height. The sign must maintain a setback of at least ten (10) feet from the property line.
- B. Monument Signs
 - a. Monument signs are limited to one sign, sixty (60) square feet in area and fifteen feet in height. The sign must maintain a setback of at least ten (10) feet from the property line.
- C. Wall Signs
 - a. Wall signs are limited to ten percent (10%) of the wall area or 200 square feet whichever is smaller.
- D. Canopy Signs, Marquee Signs, Projecting Signs, Roof signs, and Suspended Signs are subject to design review under the Site and Design Review process by the Planning Commission. Marquee Signs, Projecting Signs, and Suspended Signs may not extend into or above the public right-of-way.
- E. Building Markers are permitted.
- F. Changeable Message Signs
 - a. Signs that have a changeable message component must not contain any flashing component. The message display time of a changeable message sign must remain static for a minimum of four (4) seconds with a maximum change time of two (2) seconds. The brightness of a changeable message sign shall be governed by the standards of TCA 54-21-122.

4. Sign Regulations for Industrial District

- A. Freestanding Signs
 - a. Freestanding signs are limited to one sign, no more than sixty (60) square feet in area and no more than fifteen (15) feet in height. The sign must maintain a setback of ten (10) feet from the property line.

- b. Freestanding signs in the U.S. Highway 51 Corridor are limited to no more than three hundred (300) square feet in area and no more than fifty (50) feet in height. The sign must maintain a setback of at least ten (10) feet from the property line.
- B. Monument Signs
 - a. Monument signs are limited to no more than sixty (60) square feet in area and fifteen (15) feet in height. The sign must maintain a setback of at least ten (10) feet from the property line.
- C. Wall Signs
 - a. Wall signs are limited to no more than ten percent (10%) of the wall area or 200 square feet, whichever is smaller.
- D. Canopy Signs, Marquee Signs, and Projecting Signs are subject to design review upon Site and Design Review by the Planning Commission. Marquee signs or projecting signs may not extend into or above the public right-of-way.
- E. Building Markers are permitted.
- F. Changeable Message Sign
 - a. Signs that are also changeable message signs must not contain any flashing component. The message display time of a changeable message sign must remain static for a minimum of four (4) seconds with a maximum change time of two (2) seconds. The brightness of a changeable message sign shall be governed by the standards of TCA 54-21-122.

SECTION 5. That Title 14-201, **ARTICLE 3 – GENERAL PROVISIONS FOR ALL ZONING DISTRICTS**, Section 3.9.8.1 Master Signage Plan, be amended by adding the following language as the fourth (4th) paragraph:

Colored Signage Elevations, including building elevations for proposed wall signs, with dimensions and area calculations.

SECTION 6. That Title 14-201, **ARTICLE 3- GENERAL PROVISIONS FOR ALL ZONING DISTRICTS**, that the following Section 3.9.4 **Signs Allowed on Private Property with and without Permits**, be deleted in its entirety:

3.9.4 Signs Allowed on Private Property with and without Permits. Signs shall be allowed on private property in the Town in accordance with, and only in accordance with, Table A. If the letters “OK” appear for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. Special conditions may apply in some case. If the letters “NO” appear for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances. If the letter “P” appears, a permit is required. If the letter “C” appears, such sign is allowed once signed-in in the office of the Code Enforcer.

Although permitted under the previous paragraph, a sign designated by an “OK”, “P”, or “C” in Table “A” shall be allowed only if:

3.9.4.1 The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table “B”; or,

3.9.4.2 The size, location, and number of signs on the lot conforms with the requirements of Table “B”, which establishes permitted sign dimensions by sign type, and with any additional limitations listed in Table “A”: or,

3.9.4.3 The characteristics of the sign conform to the limitations on characteristics listed in Table “A”.

SECTION 7. That Title 14-201, **ARTICLE 3 – GENERAL PROVISIONS FOR ALL ZONING DISTRICTS**, that the following Section 3.9.4 Signs Allowed on Private Property with and without Permits, be deleted in its entirety:

3.9.4 Signs Allowed on Private Property with and without Permits. Signs shall be allowed on private property in the Town in accordance with, and only in accordance with, Section 3.9.12.

SECTION 8. That Title 13-201, **ARTICLE 3 – GENERAL PROVISIONS FOR ALL ZONING DISTRICTS**, Section 3.9 Signs, be amended as follows:

All further reference to “Table A” and “Table B” be deleted ad replaced with language referencing Section 3.9.12

SECTION 2. This Ordinance shall become effective immediately upon its final passage, the public welfare requiring it.

PASSED on the First Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the _____ day of _____, 2020.

PUBLIC HEARING held by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the ____th day of _____, 2020.

PASSED on the Second Consideration by the Board of Mayor and Aldermen of the Town of Atoka, Tennessee on the _____th day of _____, 2020.

W. Daryl Walker, Mayor
ATTEST:

Town Recorder

NOTICE OF PUBLIC HEARING

Pursuant to Tennessee Code Annotated Section 13-7-203 and 13-7-303 notice is hereby given 15 days in advance, of a public hearing to be held by the Board of Mayor and Aldermen of Atoka, Tennessee on the ____th day of _____, 2020 at 6:45 PM at Atoka’s Town Hall.

The hearing is to receive public input on amending the Town of Atoka's Municipal Zoning Ordinance by the following:

All interested persons are encouraged to attend and to comment on this rezoning.