

ORDINANCE 26-007

**AN ORDINANCE AMENDING ARTICLE V, ADDING SECTION 5.400 TRANSITIONAL
MIXED-USE PLANNED UNIT RESORT DEVELOPMENT (TMU-PURD) DISTRICT TO
THE TOWN OF KINGSTON SPRINGS ZONING ORDINANCE**

WHEREAS, the Town of Kingston Springs Board of Commissioners has previously adopted its comprehensive zoning ordinance known as Ordinance No. 84-005, as amended (here in "Zoning Ordinance"); and,

WHEREAS, by Ordinance 20-015, the Board of Commissioners amended the Zoning Ordinance to include a Section 5.400 Transitional Mixed-Use Planned Unit Resort Development (TMU-PURD) District Allowed Uses and Form Based Standards; and,

WHEREAS, the Town of Kingston Springs Regional Planning Commission has requested that Article V of the Zoning Ordinance be amended to include new provisions related to the standards for Mixed-Use Resort development and has recommended same for consideration and adoption by the Town of Kingston Springs Board of Commissioners after public notice, hearing, and second and final reading.

WHEREAS, Article V of the Town of Kingston Springs Zoning Ordinance shall be amended to add the 5.400 district description, purpose and intent, definitions, location and adopted growth plan compliance to the Ordinance, incorporated by reference.

**BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF
KINGSTON SPRINGS, TENNESSEE AS FOLLOWS:**

SECTION 1: Section 5.400 Transitional Mixed-Use Planned Unit Resort Development (TMU-PURD) District Allowed Uses and Form Based Standards, attached hereto and labeled "Exhibit A", will be adopted and added to the Town of Kingston Springs Municipal Zoning Ordinance.

SECTION 2. This Ordinance shall take effect fifteen (15) days after its final passage.

Passed First Reading: _____

Public Hearing: _____

Passed Second Reading: _____

Mayor Todd Verhoven

ATTESTED:

Kellie Reed, CMFO/CMC

EXHIBIT A

5.400 TRANSITIONAL MIXED-USE PLANNED UNIT RESORT DEVELOPMENT (TMU-PURD) DISTRICT

- A. *District Description.* Provision is made for transitional mixed-use planned unit resort development (TMU-PURD) zoning districts in which residential, commercial, or recreation uses may be brought together within a transitional zone setting under an approved plan of development which is in the interest and general welfare of the public. Transitional mixed-use planned unit development zoning districts are established to permit flexible and efficient use of large parcels at key locations by combining housing, employment, local commercial, recreational resort, and open space uses in accordance with a unified design.
- B. *Purpose and intent.* The TMU-PURD district is established to:
1. Encourage innovative creative design;
 2. Ensure enhanced open space, site specific amenities and an improved living environment;
 3. Encourage the use of land in accordance with its character and suitability and to protect environmentally sensitive areas;
 4. Promote and ensure high standards in layout, design and construction. Foster greater compatibility in design and use between neighboring properties;
 5. Ensure development of the site in a manner harmonious with surrounding areas and community facilities;
 6. Provide for well located, clean, safe, aesthetically pleasing development of mixed uses within a transitional setting. TMU-PURD district development layouts include clustering of uses to maximize open space and minimize strain upon transportation, water, sewer, and electrical facilities; and
 7. Provide for safe and efficient internal and external vehicular and non-vehicular traffic circulation.
- C. *Location.* TMU-PURD zoning districts shall be permitted only on land designated as mixed-use transitional zone by the Kingston Springs City Commission after consideration and recommendation by the Kingston Springs Regional Planning Commission.
- D. *Urban Growth Boundary Location.* All proposed TMU-PURD developments must lie within the Town of Kingston Springs or within the Kingston Springs Urban Growth Boundary (UGB).
- E. *Annexation Required.* Annexation of all property owned by the TMU-PURD applicant must be annexed into the Town of Kingston Springs before or concurrently with the approval of the Master Development Plan of the project.
- F. Petition submittal requirements and other requirements and conditions for rezoning to the TMU-PURD zoning district, and amendments to an approved TMU-PURD, shall be governed by the provisions of Article VI Overlay Districts, Sections 6.100 and 6.200 only to extent that a nexus occurs with the approved Master Development Plan.
- G. In addition to the requirements and limitations of sections 6.100 through 6.200 a TMU-PURD shall comply with all limitations and standards set forth in the Cheatham County Growth Plan and the Town Of Kingston Springs Growth Boundary (Resolution 23-001).

EXHIBIT A

Definitions:

1. Master Planned Resort: means a self-contained and fully integrated planned unit development, located in a setting of significant natural amenities, with a primary focus on destination resort facilities consisting of single family homes, short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. A master planned resort may include employee residential housing within its boundaries, but only if the employee residential uses are integrated into and support the on-site recreational nature of the resort. Master Planned Resorts may include Short-term Visitor Accommodations, Indoor and Outdoor Recreational Facilities, Visitor-Oriented Amenities, Residential housing, and Commercial Uses as defined by the Ordinance and approval of the Master Development Plan.
2. "Short-term visitor accommodations" Short-term visitor accommodations, including, but not limited to, rental cottages, hotels, lodges, and any residential use permitted under this section that is made available for short-term rental; provided, however, short-term visitor accommodation units shall constitute less than 25 percent (25%) of the total resort acreage and less than 30 percent (30%) of all uses on the property. Single Family homes are excluded from the definition of short-term visitor accommodations.
3. Indoor and outdoor recreational facilities and uses, including, but not limited to, tennis courts, swimming pools, trails, hiking and nature trails, bicycle paths, archery, pickle ball courts, and other recreational uses deemed to be consistent with the on-site recreational nature of the master planned resort.
4. Visitor-oriented amenities are defined as venues and activities for the use of visitors and guests, including, but not limited to (1) restaurants, cafes, delicatessens, pubs, taverns and cocktail bars in compliance with all Tennessee Statutes pertaining to alcohol sales and consumption, and the Town of Kingston Springs Municipal Code, Title 8, Alcoholic Beverages, Chapters 1,2,3. Entertainment associated with such uses; (2) meeting facilities; (3) on-site retail businesses and services limited to those typically found on destination resort properties designed to serve the convenience needs of the users and employees of the master planned resort; and (4) recreation businesses and facilities. Retail and commercial services offered on the resort shall be designed to **either permit** or prohibit use from non-resort users and guests at the discretion of the developer. Locating such services well within the site rather than on its perimeter will facilitate use of the recreational areas and contribute to the preservation of natural amenities.
5. Cultural and educational facilities are defined as education facilities, including, but not limited to, interpretative centers and exhibits, and indoor and outdoor theaters. Public or private K-12, colleges, universities, nor technical training facilities are permitted.
6. Roadways and bridges, are defined as, improvements subject to any development agreement executed with the Town of Kingston Springs pursuant to the Zoning Ordinance, Article VI, Overlay Districts, Development Agreements and Subdivision Regulations, and may include roadways and bridges that are privately owned and maintained. Public Roads and Streets will be improved at the expense of the developer to comply with the requirements of the Planning Commission, City Commission, and TN Department of Transportation. A Traffic Study and bonding will be required to insure completion of the improvements.
7. Capital facilities are defined as, utilities and services to the extent necessary to maintain and operate the master planned resort.

EXHIBIT A

8. Sales Offices are defined as, a Permanent structure to serve as a sales or short term rental office.
9. Additional improvements are defined as, any other similar uses deemed by the Town to be consistent with the purpose and intent of this chapter, the Growth Plan policies and the approved Master Development Plan.

H. Uses Permitted – Residential. The following residential principal uses and structures are permitted in the TMU-PURD district:

- (1) Attached and detached single-family dwelling, indoor and outdoor recreational facilities and uses, including, but not limited to, tennis courts, swimming pools, trails, hiking and nature trails, bicycle paths, archery, pickle ball courts, and other recreational uses deemed to be consistent with the on-site recreational nature of the master planned resort.

G. Uses Permitted – Commercial. The following commercial principal uses and structures are permitted in the TMU-PURD district:

- (1) Public or private resort amenities and recreational facilities.
- (2) Any other type of outdoor recreation including but not limited to swimming pools, short-term visitor accommodations as approved by the Planning commission.

H. Commercial Uses. The following ancillary commercial uses and structures are permitted in the TMU-PURD district:

- (1) Retail stores, personal services, and visitor-oriented amenities associated with an approved public or private resort and ancillary uses.
- (2) Restaurant and beverage service including beer, wine, and alcohol as defined by Tennessee Code Annotated and Title 8 Alcoholic Beverages, Chapters 1,2,and 3, and the 2021 ICC Building Codes.
- (3) Mechanical and repair services associated with approved public or private resort and ancillary uses.
- (4) Country Club, Lodge, or Hotel.
- (5) Winery, distillery, or brewery as defined by Tennessee Code Annotated and if approved by the planning commission.
- (6) Row crop production for use onsite in restaurants, cafes, delicatessens, and other food service establishments.
- (7) Sales Office and employee housing.

I. Dimensional requirements.

The dimensional standards for the TMU-PURD zoning district shall be as follows:

(1) *Minimum area.* Minimum size of TMU-PURD zoning district shall be Two Hundred contiguous acres under single ownership with a minimum frontage of 50 feet on a public street. Properties will be considered contiguous if they are separated only by public rights-of-way and no individual parcel is less than 25 acres in area. This requirement may be varied by the Planning Commission upon approval of the Master Development Plan if the variance does not reduce the percentages of Open Space, Residential, Commercial or other requirements of the ordinance.

(2) *Maximum overall density.* Maximum overall density in a TMU-PURD district shall not exceed 3 dwelling units per gross acre **in the single family designated development area.**

EXHIBIT A

(3) *Aggregate land use mix and density/intensity standards.* All development within a TMU-PURD district shall comply with the mix of land uses; and density and intensity standards set forth in the following table unless varied by the Planning Commission due to topography, slope, or other issues associated with the unique character of the land. Variances granted by the Planning Commission to Section I, Dimensional Requirements, Part (3) Aggregate land use mix and density/intensity standards for proposed development plans shall be determined by the following standards:

1. Unique characteristics of the land.
2. Steepness of slopes or dramatic changes in elevation of the parcel.
3. Suitability of parcel areas for development and sustainability of structures, infrastructure, or roads.
4. The Planning Commission shall not approve variances to the Minimum acreage required for Residential percentages.
5. Applicants shall reserve the areas identified in the table below for the uses prescribed in the Ordinance. The required acreage for each use is not required to be contiguous to encourage the location of accommodations and amenities to best serve the guests. The Underlying Zoning Districts in the TMU-PUD include R-1A, R-2, R-3, C-1, C-2. Permitted uses, densities, and location are determined by the Land Use Table below and the approved TMU-PURD Master Development Plan.

Land Use Mix	Minimum % of total acreage	Maximum Density/Intensity
Residential – Single Family	25%	3 gross du/ac
Commercial/ Non-residential	25%	0.50 FAR ⁽¹⁾
Open Space*	50%	0..50 FAR ⁽¹⁾

* Recreational uses requiring structures, improvements, or utilities are calculated as commercial space. Open space percentage is calculated using all open acreage and passive recreational facilities.

⁽¹⁾ Floor Area Ratio

(4) *Maximum building dimension.* The maximum dimension of any structure or group of attached structures shall not exceed 100 feet for any one building face of any structure or group of attached structures. Face dimensions are calculated as flat plane with no architectural distinctions, breezeways, or changes in façade.

(5) *Minimum perimeter setback.* No building or structure shall be located closer than 100 feet to any perimeter boundary of the TMU-PURD district.

(6) *Minimum separation between structures and/or buildings.*

- a. Residential buildings shall be separated from each other by a distance equal to not less than 50 ft.

EXHIBIT A

b. **Short-term Visitor Accommodations**, Restaurants, or other nonresidential structures shall be separated from residential buildings by not less than 200 feet.

(7) *Maximum lot coverage and impervious surface coverage* as defined in the Ordinances of the Town of Kingston Springs. Maximum allowable lot coverage is 30 percent and the aggregate of lot coverage and impervious surface area is 40 percent of the gross land area of the TMU-PURD district.

(8) *Maximum height of structures*. Allowable height in a mixed-use TMU-PURD district shall be determined after review of surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed. No building, structure, or part thereof shall exceed a total height of 35 feet at the point of fire apparatus access for fire suppression activities. The emergency access location must be clearly marked with lane marking and a signage restricting parking or other use. All structures within the development shall comply with the Town of Kingston Springs Municipal Code, Title 12 Building Utility & Codes.

(9) *Open space requirement*. A minimum of 50 percent of the TMU-PURD district area shall be reserved for landscaping and open space. The following uses may contribute to the open space requirements provided the minimum dimensions are met:

- a. Buffers and landscaped areas in paved, impervious off-street parking areas;
- b. Dry detention areas and existing or proposed bodies of water, including wet stormwater management areas, may count up to a maximum of 50 percent of the open space requirement;
- c. Active and passive recreation areas and public use areas such as playgrounds, lake-beach frontage, nature trails, bike paths, pedestrian ways, tennis courts, swimming pools, plazas, atriums, courtyards and other similar areas count as open space as long as not more than 20 percent of the recreational or public area is counted as open space consists of impervious surface;
- d. Areas must have a minimum dimension of at least ten feet (length and width) and comprise an area of not less than 200 square feet to count towards meeting the minimum open space requirement.

(10) *Improved recreation areas required*.

- a. Except as set forth in subsection b, single-family developments containing 50 or more dwelling units shall provide an improved recreation/play area or areas that meet(s) the following standards:
 - 1. Said recreation area shall have at least 15 square feet of land area for each dwelling unit with two or more bedrooms;
 - 2. The minimum size for said recreation area shall be 750 square feet and the improved recreation area shall be located away from streets, lakes or **ponds** or shall be fenced; and
 - 3. The improved recreation areas shall be constructed in accordance with the U.S. Consumer Products Safety Commission guidelines.

Additional regulations which shall apply to all uses in the TMU-PURD district include, but are not limited to:

(1) Conditions, requirements, and standards contained Town of Kingston Springs, TN Subdivision Regulations.

EXHIBIT A

- (2) Utilities shall be placed underground in accordance with the Town of Kingston Springs, TN Stormwater Ordinance and Underground Utility Ordinance.
- (3) All development shall be connected to public water and sewer systems. Extension of sewer and water lines to serve the property shall be at the expense of the developer.
- (4) Parking and loading regulations contained in the Town of Kingston Springs, TN Zoning Ordinance and Municipal Codes.
- (5) All roads shall be in compliance with the road standards for the Town of Kingston Springs and shall be bonded as required by the Zoning Ordinance and or Subdivision Regulations. Unpaved roads shall be designed for dust free use and any underlay materials must be bound to prevent spreading into adjacent areas.
- (6) Landscaping regulations.
- (7) Sign regulations contained in the Town of Kingston Springs, TN Sign Ordinance.
- (8) Accessory use regulations **applicable to each underlying zoning district.**
- (9) Supplemental use regulations.
- (10) Federal, TN State, and Town of Kingston Springs Environmental and Stormwater regulations.
- (11) Local Utilities regulations and requirements.