



Board of Commissioners
Regular Meeting Agenda
Thursday, January 16, 2025, 5:30 PM
City Hall, Lakeland, Tennessee 38002

- I. CALL TO ORDER BY MAYOR:
- II. INVOCATION:
- III. PLEDGE:
- IV. ROLL CALL BY RECORDER:
- V. PUBLIC HEARING:
 1. **Ordinance - Second and Final Reading** - approving the application to rename the Lakeland Athletic Complex to the Brody Townsend Athletic Complex.
- VI. TREASURER'S REPORT:
 1. December 2024 Treasurer's Report
- VII. REPORTS FROM COMMITTEES, MEMBERS OF THE BOARD OF COMMISSIONERS & OTHER OFFICERS:
 1. Sheriff's Report
 - a. December Lakeland Crime Report
 2. City Manager's Report
 - a. January 2025 City Manager's Report
 3. Commissioners' Reports
 - a. Community Advisory Board - *Vice Mayor Dial*
 - b. Parks and Recreation/Natural Resources Board - *Vice Mayor Dial*
 - c. Municipal Planning/Design Review Commission - *Commissioner Atkinson*

d. Industrial Development Board - *Commissioner Johnston*

VIII. PUBLIC COMMENTS:

IX. SEWERAGE COMMISSION BUSINESS:

X. CONSENT AGENDA:

XI. REGULAR AGENDA:

1. **Approval of previous meeting minutes** - December 5, 2024
2. **Ordinance - Second and Final Reading** - approving the application to rename the Lakeland Athletic Complex to the Brody Townsend Athletic Complex. *Sponsored by Mayor Roman, Vice Mayor Dial, Commissioner Atkinson, Commissioner Johnston and Commissioner McCarter*
3. **Ordinance - First Reading** - adopting updated Land Development Regulations (LDR) for the City of Lakeland, Tennessee. *Recommended by the Municipal Planning Commission*
4. **Resolution** - amending the calendar year 2025 meeting calendar.
5. **Resolution** - adopting the fiscal year 2026 annual budget preparation calendar.
6. **Resolution** - accepting Lot 9 in the Lakeland Town Square development (formerly known as Lakeland Commons) and authorizing the City Manager and the City Attorney to execute necessary documents.
7. **Resolution** - approving Change Order #3 to the Chambers Chapel Drainage Improvements Project.
8. **Resolution** - approving an agreement with ABES Contracting, LLC for the Fiscal Year 2025 Concrete Project.
9. **Resolution** - approving an agreement with Wagner General Contractors, Inc. for the Fiscal Year 2025 (FY25) Adagio Lane Improvements Project.
10. **Resolution** - approving Amendment #2 to the master services agreement with Allen & Hoshall, Inc. for the design of the Oliver Creek Sewer Interceptor Project.
11. **Resolution** - approving a professional services agreement with 4FDesign, P.C. for the design of the Lakeland Community Center

Aquatics Center.

12. **Resolution** - approving a professional services agreement with Buchart Horn, Inc. for Construction Engineering and Inspection services related to the Oliver Creek Interceptor project rescinding Resolution R-184-2024.
13. **Resolution** - supporting the application for Fiscal Year 2025 National Infrastructure Investments (DTOS59-25-RA-RAISE) Rebuilding American Infrastructure with Sustainability and Equity grant program through United States Department of Transportation Federal Highway Administration for New Canada Road.
14. **Resolution** - authorizing the submission of an application for a Five Star Wetlands and Urban Water Restoration Grant administered by the National Fish and Wildlife Foundation and funded by the Environmental Protection Agency.
15. **Resolution** - authorizing the submission of an application for the Local Parks and Recreation Fund 2025 grant cycle from the Tennessee Department of Environment and Conservation.
16. **Resolution** - authorizing the City Attorney to file and pursue condemnation proceedings concerning parcel nos. L0159 00143 and L0159 00493. *Sponsored by Mayor Roman*
17. **Resolution** - authorizing the City Manager and City Attorney to execute a Memorandum of Understanding (MOU) between the City of Lakeland and the Shelby County Sheriff's Office.
18. **Discussion and Possible Action** - regarding detailed budget transfer entries. *Sponsored by Commissioner McCarter*
19. **Discussion and Possible Action** - regarding The Shelby County Division of Community Services District Connectors Lunch N Learn Series with Mr. Glen Mullins, District Connector Program Coordinator for District 3 which includes Lakeland and Bartlett to explain what the District Connector Program is and how Lakeland can be involved. *Sponsored by Commissioner McCarter*

XII. ANNOUNCEMENTS:

XIII. ADJOURNMENT:

TREASURER'S REPORT

**July 1, 2024 through
December 31, 2024**



DECEMBER GENERAL FUND

Fund Balance	Beginning Fund Balance	Dec Fund Balance
Non-Spendable	-	-
Committed	350,572	559,407
Assigned	243,841	243,841
Unassigned	6,535,530	10,798,788
Total Fund Balance	7,129,943	11,602,036
Change in Fund Balance	-	4,472,093

General Fund



Revenue:

\$9,259,817



Expenditures:

\$3,477,976



Other Financing Sources
(Uses):

(\$1,309,748)



Change In Fund Balance:

\$4,472,093

Highlights YTD

Revenue YTD

- Property Tax Revenue: \$638,500 – 11% of Budget
- Local Tax Revenue: \$1,247,500– 29% of Budget
- Grant Revenue: \$563,000 and IDB loan proceeds of \$5,683,010

Expenditure YTD

- Expenditures at 30% of budget excluding capital projects
- Capital projects at \$575,000 which includes costs to replace the restrooms at I.H. Park, the pavilion at IH Park, new vehicles and design work for New Canada Rd

Transfer YTD

- Transferred \$1,309,750 which includes Lakeland School System for their allocation of property tax, State Street Fund and Debt Service Fund

Change in Fund Balance YTD

- Increase of \$4,472,093

DECEMBER STATE STREET FUND

Beginning Fund Balance:	\$1,344,462
Change in Fund Balance):	(\$915,025)
Ending Fund Balance:	\$429,437

State Street Aid Fund



Revenue: \$174,864



Expenditures : \$1,489,899



Change in Fund Balance: (\$915,025)

Highlights YTD

Revenue

- Received \$171,500 in State Shared Revenue – 33% of budget

Expenditures

- Spent \$1,079,000 for paving which was carried over from FY24
- Personnel expenses at \$93,000 - 27% of budget

Transfers in

- \$400,000 from General Fund which is approximately 20% of budget

Change in Fund Balance

- Decrease of \$915,025

DECEMBER STORM WATER FUND

Beginning Fund Balance:	\$562,392
Change in Fund Balance:	\$10,061
Ending Fund Balance:	\$572,453

Storm Water Fund



Revenue: \$90,385



Expenditures : \$80,324



Change in Fund Balance: \$10,061

Highlights YTD

Revenue

- Received \$89,000 in fees - 41% of budget

Expenditures

- Personnel & Admin expenses at \$40,700 - 37% of budget
- Capital expenditures of \$40,000 – includes pipe lining at Sterling Place

Change in Fund Balance

- Increase of \$10,061

DECEMBER SOLID WASTE FUND

Beginning Fund Balance: (\$62,705)
Change in Fund Balance: (\$120,626)
Ending Fund Balance: (\$183,331)

Solid Waste Fund



Revenue: \$581,435



Expenditures : \$702,061



Change in Fund Balance:
(\$120,626)

Highlights YTD

Revenue

- Received \$581,000 in collection fees - 42% of budget

Expenditures

- Personnel & admin expenses at \$71,000- 40% of budget
- Contracted services at \$624,700 - 42% of budget

Change in Fund Balance

- Decrease of \$120,626

DECEMBER SEWER FUND

Beginning Net Position: \$14,239,800

Change in Net Position: \$55,106

Ending Net Position: \$14,294,906

Sewer Fund



Operating Revenue:
\$1,367,964



Operating Expenses:
\$1,142,446



Operating Income (Loss):
\$225,518



Change in Net Position:
\$55,106

Highlights YTD

Revenue

- Received \$1,368,000 in service and connection fees

Expenses

- Personnel and administrative expenses at \$852,500 - 44% of spending plan
- Interest and agent fees at \$170,400
- Operating Income of \$55,106

City of Lakeland, Tennessee
Outstanding Debt as of December 31, 2024

Beverle Rivera Roadway Extension	\$ 1,140,478.00
LSS High School Construction	\$ 43,849,375.00
LSS Middle School Construction	\$ 14,063,727.00
LSS Settlement Liability	\$ 56,328.00
Total General Obligation debt	\$ 59,109,908.00
Public Works Projects - Sewer Interceptor	\$ 12,789,555.00
Public Works Projects - Sewer Treatment Plant	\$ 1,404,000.00
Total Sewer Utility Debt	\$ 14,193,555.00
Total Debt	\$ 73,303,463.00

DECEMBER FINANCIAL STATEMENTS



City of Lakeland
BALANCE SHEET - ALL CITY GOVERNMENTAL FUNDS - UNAUDITED
December 31, 2024

	GOVERNMENTAL FUNDS - MODIFIED ACCRUAL					TOTAL GOVERNMENTAL FUNDS
	GENERAL FUND	DEBT SERVICE FUND	STATE STREET AID FUND	STORM WATER FUND	SOLID WASTE FUND	
ASSETS						
Cash and cash equivalents	\$ 10,847,829	\$ 71	\$ 326,978	\$ 352,215	\$ 431,730	\$ 11,958,823
Receivables						
Property taxes, net of allowance	135,634	-	-	-	-	135,634
Grants	-	-	-	-	-	-
Other	5,877,646	-	-	30,000	-	5,907,646
Due from other governments	151,404	-	-	-	(469,257)	(317,853)
Due from other funds	(51,741)	-	8,159	-	-	(43,582)
Prepaid items	473	-	-	-	-	473
Advances Receivable	1,024,354	-	-	-	-	1,024,354
Inventory	4,847	-	-	-	-	4,847
Restricted cash	-	-	-	-	-	-
Total assets	<u>\$ 17,990,446</u>	<u>\$ 71</u>	<u>\$ 335,137</u>	<u>\$ 382,215</u>	<u>\$ (37,527)</u>	<u>\$ 18,670,342</u>
LIABILITIES						
Accounts payable and accrued liabilities	\$ 117,967	\$ -	\$ (94,300)	\$ (190,238)	\$ (366)	\$ (166,937)
Deposits	148,215	-	-	-	-	148,215
Due to other funds	10,194	-	-	-	146,170	156,364
Unearned revenue	-	-	-	-	-	-
Total liabilities	<u>276,376</u>	<u>-</u>	<u>(94,300)</u>	<u>(190,238)</u>	<u>145,804</u>	<u>137,642</u>
DEFERRED INFLOWS OF RESOURCES						
Unavailable revenue						
Property taxes	5,954,185	-	-	-	-	5,954,185
Grants	157,849	-	-	-	-	157,849
Other	-	-	-	-	-	-
Total deferred inflows of resources	<u>6,112,034</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>6,112,034</u>
FUND BALANCES						
Nonspendable	-	-	-	-	-	-
Restricted	-	-	-	572,453	(183,331)	389,122
Committed	559,407	71	429,437	-	-	988,915
Assigned	243,841	-	-	-	-	243,841
Unassigned	10,798,788	-	-	-	-	10,798,788
Total fund balances	<u>11,602,036</u>	<u>71</u>	<u>429,437</u>	<u>572,453</u>	<u>(183,331)</u>	<u>12,420,666</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 17,990,446</u>	<u>\$ 71</u>	<u>\$ 335,137</u>	<u>\$ 382,215</u>	<u>\$ (37,527)</u>	<u>\$ 18,670,342</u>

City of Lakeland
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
ALL CITY GOVERNMENTAL FUNDS - UNAUDITED - FOR THE FYTD PERIOD ENDED
December 31, 2024

	GOVERNMENTAL FUNDS - MODIFIED ACCRUAL					TOTAL
	GENERAL FUND	DEBT SERVICE FUND	STATE STREET AID FUND	STORM WATER FUND	SOLID WASTE FUND	GOVERNMENTAL FUNDS
REVENUES						
Property taxes	\$ 638,494	\$ -	\$ -	\$ -	\$ -	\$ 638,494
Local taxes	1,247,476	-	-	-	-	1,247,476
Intergovernmental	731,716	-	171,534	-	-	903,250
Licenses and permits	99,254	-	-	-	-	99,254
Charges for services	104,676	-	-	90,385	581,435	776,496
Federal, state, and local grants	563,213	-	3,330	-	-	566,543
Interest income	105,912	-	-	-	-	105,912
Other	5,769,076	-	-	-	-	5,769,076
Total revenues	<u>9,259,817</u>	<u>-</u>	<u>174,864</u>	<u>90,385</u>	<u>581,435</u>	<u>10,106,501</u>
EXPENDITURES						
Current						
General government	1,266,586	-	-	-	-	1,266,586
Community development	526,159	-	-	-	-	526,159
Public works	443,992	-	1,399,175	40,668	695,808	2,579,643
Parks and recreation	665,886	-	-	-	-	665,886
Capital Outlay	575,353	-	90,714	39,656	6,253	711,976
Debt Service						
Principal	-	145,241	-	-	-	145,241
Interest and fiscal charges	-	12,889	-	-	-	12,889
Total expenditures	<u>3,477,976</u>	<u>158,130</u>	<u>1,489,889</u>	<u>80,324</u>	<u>702,061</u>	<u>5,908,380</u>
Excess of revenues over expenditures	5,781,841	(158,130)	(1,315,025)	10,061	(120,626)	4,198,121
OTHER FINANCING SOURCES (USES)						
Issuance of debt	-	-	-	-	-	-
Issuance of leases	-	-	-	-	-	-
Transfers in	-	158,083	400,000	-	-	558,083
Transfers out	(1,309,748)	-	-	-	-	(1,309,748)
Total other financing sources (uses)	<u>(1,309,748)</u>	<u>158,083</u>	<u>400,000</u>	<u>-</u>	<u>-</u>	<u>(751,665)</u>
Net change in fund balances	4,472,093	(47)	(915,025)	10,061	(120,626)	3,446,456
Fund balances - beginning	<u>7,129,943</u>	<u>118</u>	<u>1,344,462</u>	<u>562,392</u>	<u>(62,705)</u>	<u>8,974,210</u>
Fund balances - ending	<u>\$ 11,602,036</u>	<u>\$ 71</u>	<u>\$ 429,437</u>	<u>\$ 572,453</u>	<u>\$ (183,331)</u>	<u>\$ 12,420,666</u>

City of Lakeland, TN
SEWER FUND
STATEMENT OF NET POSITION
December 31, 2024

ASSETS

Current assets:

Cash and cash equivalents	\$ 1,509,298
Restricted cash and cash equivalents	-
Receivables	
Accounts	-
Interest	1,721
Due from other governments	(61,372)
Total current assets	<u>1,449,647</u>

Capital assets:

Capital assets, not being depreciated	20,471,698
Capital assets, being depreciated - net	<u>13,262,892</u>
Total capital assets	33,734,590

Net pension asset

	<u>-</u>
--	----------

Total assets 35,184,237

DEFERRED OUTFLOWS OF RESOURCES

Deferred Outflows Related to Pensions	29,711
---------------------------------------	--------

LIABILITIES

Current liabilities:

Accounts payable and accrued expenses	482,906
Deposits	-
Advances payable to General Fund	1,024,354
Current portion of notes payable	<u>688,000</u>
Total current liabilities	2,195,260

Noncurrent liabilities:

Net pension liability	20,643
Notes payable, net of current portion	<u>18,700,634</u>
Total liabilities	20,916,537

DEFERRED INFLOWS OF RESOURCES

Deferred Inflows Related to Pensions	<u>2,505</u>
--------------------------------------	--------------

NET POSITION

Net investment in capital assets	13,321,602
Unrestricted	<u>973,304</u>
Total net position	<u><u>\$ 14,294,906</u></u>

City of Lakeland, Tennessee

SEWER FUND

STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION

December 31, 2024

	Prior YTD 12/31/23	Current YTD 12/31/24	Plan FY 2025
Operating revenues:			
Sewer service fee	\$ 843,896	\$ 1,225,264	\$ 3,193,163
Service connection fees	126,150	142,700	604,300
Operating grants	-	-	2,614,797
Total operating revenues	<u>970,046</u>	<u>1,367,964</u>	<u>6,412,260</u>
Operating expenses:			
Personnel expenses	(264,836)	(326,158)	(820,806)
General and administrative	(277,166)	(526,288)	(1,084,630)
Depreciation	(255,000)	(290,000)	(580,000)
Total operating expenses	<u>(797,002)</u>	<u>(1,142,446)</u>	<u>(2,485,436)</u>
Operating Income (Loss)	173,044	225,518	3,926,824
Nonoperating revenues (expenses):			
Interest income	5,308	103	5,500
Interest and agent fee expense	(41,744)	(170,515)	(518,475)
Loss on sale of capital assets	-	-	-
Total non-operating expenses	<u>(36,436)</u>	<u>(170,412)</u>	<u>(512,975)</u>
Change in net position	136,608	55,106	3,413,849
Capital Contributions	-	-	-
Net position - beginning of year	<u>13,913,609</u>	<u>14,239,800</u>	<u>14,239,800</u>
Net position - Dec-31	<u>\$ 14,050,217</u>	<u>\$ 14,294,906</u>	<u>\$ 17,653,649</u>

City of Lakeland, Tennessee
SEWER FUND
STATEMENT OF CASH FLOWS
December 31, 2024

	<u>Current YTD</u> <u>12/31/24</u>
Cash flows from operating activities:	
Receipts from customers and users	\$ 1,858,569
Payments to suppliers/operating costs	<u>(852,446)</u>
Net cash provided by operating activities	<u>1,006,123</u>
Cash flows from noncapital financing activities:	
Transfer of grant funds to General Fund	-
Cash flows from capital and related financing activities:	
Grant proceeds	-
Principal payments on capital debt	-
Proceeds from debt issuance	12,941,932
Acquisition and construction of capital assets	<u>(13,084,876)</u>
Interest paid on capital debt	<u>(170,515)</u>
Net cash used by capital and related financing activities	<u>(313,459)</u>
Cash flows from investing activities:	
Interest income received	<u>103</u>
Net increase (decrease) in cash and cash equivalents	692,767
Cash and cash equivalents - beginning of year	<u>816,531</u>
Cash and cash equivalents - Dec-31	<u><u>\$ 1,509,298</u></u>

City of Lakeland

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE

GENERAL FUND

December 31, 2024

	Prior YTD 12/31/23	Current YTD 12/31/24	Budget FY 2025	% Earned/Used Year-to-Date
REVENUES				
Property Taxes	\$ 481,213	\$ 638,494	\$ 5,931,392	10.76%
Local Taxes	1,021,970	1,247,476	4,240,739	29.42%
Intergovernmental	590,487	731,716	2,366,757	30.92%
Licenses and permits	116,020	99,254	378,448	26.23%
Charges for services	85,670	104,676	302,399	34.62%
Federal, State, and Local Grants	138,500	563,213	9,311,456	6.05%
Other	374,803	5,874,988	6,220,000	94.45%
Total Revenues	<u>2,808,663</u>	<u>9,259,817</u>	<u>28,751,191</u>	<u>32.21%</u>
EXPENDITURES				
Current				
General government	(1,219,114)	(1,266,586)	(8,862,730)	14.29%
Community Development	(442,680)	(526,159)	(3,373,229)	15.60%
Public Works	(320,240)	(443,992)	(1,129,782)	39.30%
Parks and Recreation	(512,374)	(665,886)	(1,303,100)	51.10%
Capital Projects	(3,808,084)	(575,353)	(23,088,508)	2.49%
Debt Service				
Principal	-	-	-	0.00%
Interest	-	-	-	0.00%
Total Expenditures	<u>(6,302,492)</u>	<u>(3,477,976)</u>	<u>(37,757,349)</u>	<u>9.21%</u>
Excess (deficiency) of revenues over (under) expenditures	(3,493,829)	5,781,841	(9,006,158)	
OTHER FINANCING SOURCES (USES)				
Issuance of Debt	-	-	14,500,000	
Issuance of Leases	-	-	-	
Transfers in	-	-	-	
Transfers out	(48,345)	(1,309,748)	(6,446,616)	
Total Other Financing Sources	<u>(48,345)</u>	<u>(1,309,748)</u>	<u>8,053,384</u>	
Net Change in Fund Balance	<u>\$ (3,542,174)</u>	<u>\$ 4,472,093</u>	<u>\$ (952,775)</u>	
Allocation of Net Change in Fund Balance:				
Committed Fund Balance		(47,070)		
Restricted Fund Balance				
Assigned Fund Balance				
Nonspendable Fund Balance				
Unassigned Fund Balance		4,519,163		
Net Change in Fund Balance		<u>\$ 4,472,093</u>		

STORM WATER FUND
STATEMENT OF REVENUES AND EXPENDITURES
December 31, 2024

	Prior YTD 12/31/23	Current YTD 12/31/24	Budget FY 2025
REVENUES:			
Storm Water Fees	\$ 88,235	\$ 89,325	\$ 220,018
Other	-	1,060	-
Total revenues	<u>88,235</u>	<u>90,385</u>	<u>220,018</u>
EXPENDITURES:			
Personnel expenses	(24,296)	(31,124)	(66,577)
General and administrative	(3,290)	(9,544)	(42,160)
Capital	(9,430)	(39,656)	(475,000)
Total expenditures	<u>(37,016)</u>	<u>(80,324)</u>	<u>(583,737)</u>
OTHER FINANCING SOURCES/USES			
Transfers in from General Fund	-	-	53,000
Net change in fund balance	<u>\$ 51,219</u>	<u>\$ 10,061</u>	<u>\$ (310,719)</u>
Fund balance - beginning of year	<u>491,836</u>	<u>562,392</u>	<u>562,392</u>
Fund balance - Dec 31	<u>\$ 543,055</u>	<u>\$ 572,453</u>	<u>\$ 251,673</u>

City of Lakeland
DEBT SERVICE FUND

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
December 31, 2024

	YTD 12/31/24	Budget FY 2025
Revenues:		
Interest	\$ -	\$ -
Total Revenues	<u>-</u>	<u>-</u>
Expenditures:		
Principal	(145,241)	(1,084,339)
Interest	(12,205)	(1,416,768)
Dues and Fees	(684)	-
Total Expenditures	<u>(158,130)</u>	<u>(2,501,107)</u>
 Net excess (deficiency) of revenues over expenditures	 (158,130)	 (2,501,107)
 Other Financing Sources (Uses):		
Transfers In	158,083	3,140,717
Transfers Out	-	-
Total Other Financing Sources (Uses)	<u>158,083</u>	<u>3,140,717</u>
 Net Change in Fund Balance	 <u>\$ (47)</u>	 <u>\$ 639,610</u>

STATE STREET AID
STATEMENT OF REVENUES AND EXPENSES
December 31, 2024

	Prior YTD 12/31/23	Current YTD 12/31/24	Budget FY 2025
REVENUES:			
State shared revenue	\$ 167,948	\$ 171,534	\$ 524,673
Grant Revenue	-	3,330	117,000
Total revenues	<u>167,948</u>	<u>174,864</u>	<u>641,673</u>
EXPENDITURES:			
Personnel expenses	(154,775)	(93,056)	(348,604)
Public works	(1,874,111)	(1,306,119)	(3,530,285)
Capital projects	(32,474)	(90,714)	(174,000)
Total expenditures	<u>(2,061,360)</u>	<u>(1,489,889)</u>	<u>(4,052,889)</u>
Net excess (deficiency) of revenues over expenditures	(1,893,412)	(1,315,025)	(3,411,216)
OTHER FINANCING SOURCES (USES):			
Transfers in	-	400,000	2,218,513
Total other financing sources (uses):	<u>-</u>	<u>400,000</u>	<u>2,218,513</u>
Net change in fund balance	<u>\$ (1,893,412)</u>	<u>\$ (915,025)</u>	<u>\$ (1,192,703)</u>
Fund balance - beginning of year	<u>2,115,555</u>	<u>1,344,462</u>	<u>1,344,462</u>
Fund balance - Dec 31	<u>\$ 222,143</u>	<u>\$ 429,437</u>	<u>\$ 151,759</u>

SOLID WASTE FUND

STATEMENT OF REVENUES AND EXPENDITURES

December 31, 2024

	Prior YTD 12/31/23	Current YTD 12/31/24	Budget FY 2025
REVENUES:			
Solid waste collection fees	\$ 573,420	\$ 581,435	\$ 1,398,089
Interest income	-	-	-
Grant revenues	-	-	-
Other	-	-	-
Total revenues	<u>573,420</u>	<u>581,435</u>	<u>1,398,089</u>
EXPENDITURES:			
Personnel expenditures	(40,406)	(46,927)	(68,910)
General and administrative	(44,107)	(24,168)	(106,900)
Contracted services	(730,305)	(624,713)	(1,495,000)
Capital	-	(6,253)	(10,000)
Total expenditures	<u>(814,818)</u>	<u>(702,061)</u>	<u>(1,680,810)</u>
Net excess (deficiency) of revenues over expenditures	(241,398)	(120,626)	(282,721)
OTHER FINANCING SOURCES (USES):			
Transfers in	-	-	282,721
Net change in fund balance	<u>\$ (241,398)</u>	<u>\$ (120,626)</u>	<u>\$ -</u>
Fund balance - beginning of year	<u>65,989</u>	<u>(62,705)</u>	<u>(62,705)</u>
Fund balance - Dec 31	<u>\$ (175,409)</u>	<u>\$ (183,331)</u>	<u>\$ (62,705)</u>

APPENDIX A – BUDGETARY TRANSFERS



Column1	Account Level	2024-25	2024-252	2024-254	2024-255
Fnd T Acct Obj Prj Loc Prg	Description	Original Budget	Budget Carry Fwd	Budget Transfers	Revised Budget
110 E 41000 132 000 00000 000	GOV - Bonus Pay	96,009.00	0	11,242.00	107,251.00
110 E 41000 212 000 00000 000	GOV - Employee Engagement	4,500.00	0	4,697.05	9,197.05
110 E 41000 230 000 00000 000	GOV - Publicity/Dues	15,000.00	0	15,000.00	30,000.00
110 E 41000 259 000 00000 000	GOV - Other Professional Servi	15,000.00	0	758	15,758.00
110 E 41000 290 000 00000 000	GOV - Contracted Service	15,000.00	0	25,000.00	40,000.00
110 E 41000 513 000 00000 000	GOV - Liability	61,000.00	0	-10,000.00	51,000.00
110 E 41000 932 000 00000 000	GOV - Building Improvements	55,000.00	0	-6,697.05	48,302.95
110 E 41000 951 000 00000 000	GOV - Furn & Fixtures	9,000.00	0	-900	8,100.00
110 E 41000 975 000 00000 000	GOV - Lakeland City Hall	6,000,000.00	0	-137,489.24	5,862,510.76
110 E 41210 318 000 00000 000	CRT- Court Cost Fees	200	0	900	1,100.00
110 E 41500 111 000 00000 000	FIN - Salary	331,386.00	0	-36,360.00	295,026.00
110 E 41500 290 000 00000 000	FIN - Contracted Service	15,000.00	0	11,360.00	26,360.00
110 E 41670 148 000 00000 000	ENG - Education/Training	4,000.00	0	5,000.00	9,000.00
110 E 41670 230 000 00000 000	ENG - Publicity/Dues	1,000.00	0	300	1,300.00
110 E 41670 259 000 00000 000	ENG - Other Professional Servi	25,000.00	0	-5,000.00	20,000.00
110 E 41670 261 000 00000 000	Repairs & Maintenance Vehicles	1,500.00	0	300	1,800.00
110 E 41670 299 000 00000 000	ENG - Contingency	2,500.00	0	-600	1,900.00
110 E 41672 261 000 00000 000	INS - Repair & Maintenance Mot	4,000.00	0	1,479.00	5,479.00
110 E 41672 280 000 00000 000	INS - Travel	1,900.00	0	-1,000.00	900
110 E 41672 944 000 00000 000	INS - Capital Outlay - Vehicle	40,000.00	0	-479	39,521.00
110 E 41700 254 000 00000 000	PLN - Arch/Eng/Landscape Serv	50,000.00	0	-1,475.00	48,525.00
110 E 41700 259 000 00000 000	PLN - Other Professional Servi	5,000.00	0	1,475.00	6,475.00
110 E 41700 280 000 00000 000	PLN - Travel	3,500.00	0	-1,000.00	2,500.00
110 E 41700 951 000 00000 000	PLN - Furniture & Fixtures	0	0	1,000.00	1,000.00
110 E 41711 255 000 00000 000	IS - Data Processing Services	211,596.00	0	6,426.00	218,022.00
110 E 41711 259 000 00000 000	IS - Other Professional Servi	138,446.00	0	-500	137,946.00
110 E 41711 320 000 00000 000	IS - Operating Supplies	1,000.00	0	500	1,500.00
110 E 41711 948 000 00000 000	IS - Computer Upgrades	44,700.00	0	21,678.48	66,378.48
110 E 43000 290 000 00000 000	PW - Contracted Service	25,000.00	0	-11,179.00	13,821.00
110 E 44310 247 000 00000 000	SC - Programs - Admissions	4,000.00	0	-1,178.99	2,821.01
110 E 44310 287 000 00000 000	SC - Meals & Entertainment	15,000.00	0	-356.49	14,643.51
110 E 44310 320 000 00000 000	SC - Operating Supplies	2,500.00	0	-890	1,610.00
110 E 44710 923 000 00000 000	PRK - Park Development	150,000.00	14,387.25	107,989.24	272,376.49
121 E 43100 148 000 00000 000	STR - Education/Training	3,000.00	0	5,000.00	8,000.00
121 E 43100 259 000 00000 000	STR - Other Professional Servi	6,000.00	0	-1,500.00	4,500.00
121 E 43100 264 000 00000 000	STR - Traffic Control Lights	5,000.00	0	11,450.00	16,450.00
121 E 43100 268 000 00000 000	STR - Repair & Maintenance Roa	550,000.00	0	-9,950.00	540,050.00
121 E 43100 333 000 00000 000	STR - Other Equip Parts & Repa	9,000.00	0	3,000.00	12,000.00
121 E 43100 940 000 00000 000	STR - New Capital Light Equipm	62,000.00	0	-8,000.00	54,000.00
412 E 43250 333 000 00000 000	SEW - Other Equipment Parts	80,000.00	0	-15,470.00	64,530.00
412 E 43250 953 000 00000 000	SEW - Improvements Other	300,000.00	0	15,470.00	315,470.00

Shelby County Sheriff's Office

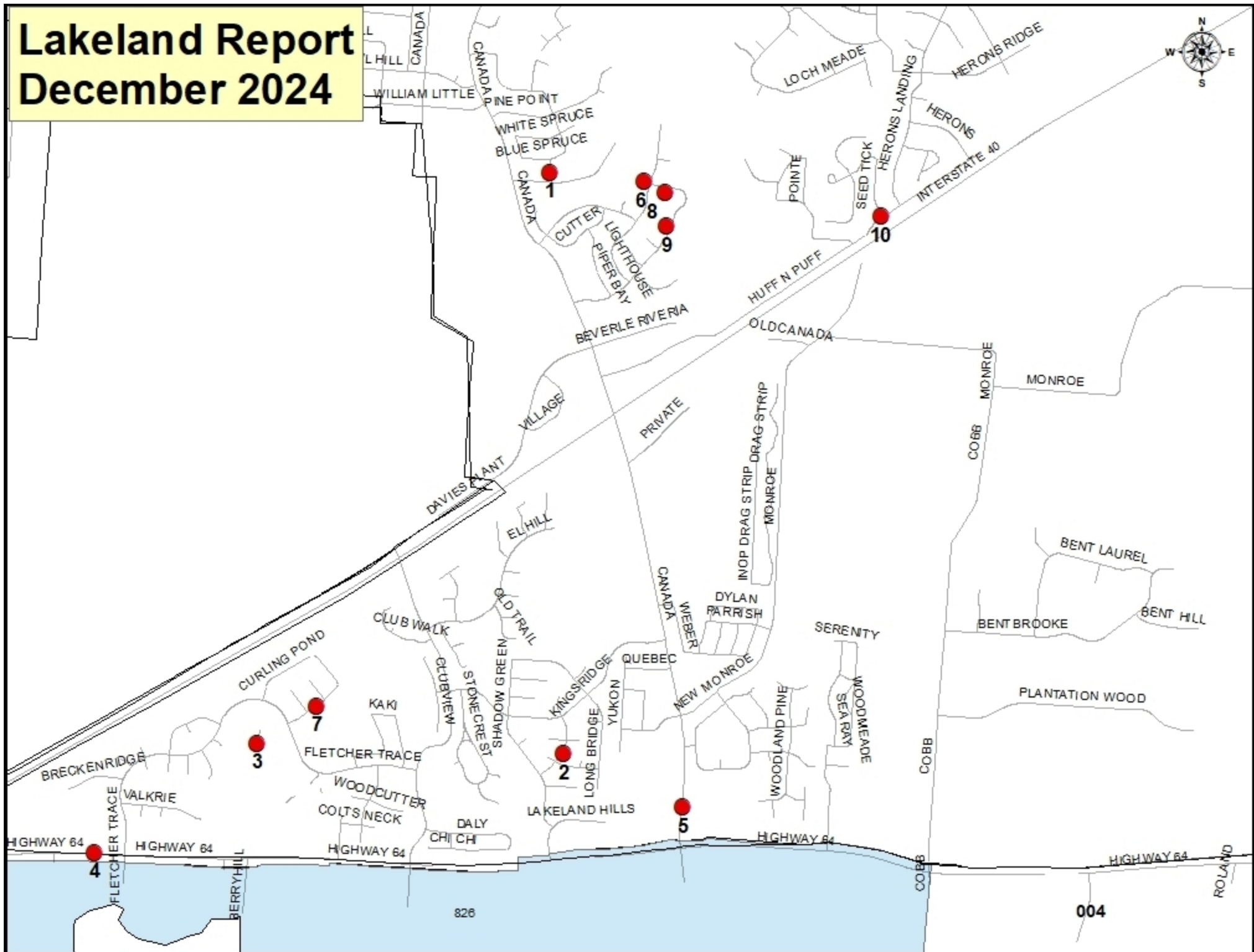


Crime Report

Lakeland
December 2024

Lakeland Report

December 2024



Incident Table

ID #	CASE_NUMBER	DEPT. CODE	METHOD OF ENTRY	DATE OF INCIDENT
1	2412001052SH	MVT/Passenger Vehicle	BROKE	12/28/2024
2	2412000271SH	Other Theft/Non-Specific	THROUGH UNLOCKED DOOR	12/6/2024
3	2412000066SH	Other Theft/Non-Specific		12/2/2024
4	2412000321SH	Shoplifting/Misdemeanor	LAWFUL FRONT DOOR	12/8/2024
5	2412000634SH	Shoplifting/Misdemeanor	THROUGH UNLOCKED DOOR FRONT DOOR	12/16/2024
6	2412001034SH	Theft from Building	LAWFUL FRONT DOOR	12/27/2024
7	2412000562SH	Theft from Motor Vehicle	THROUGH UNLOCKED DOOR FRONT DOOR	12/14/2024
8	2412000205SH	Theft from Motor Vehicle	THROUGH UNLOCKED DOOR FRONT DOOR	12/5/2024
9	2412000185SH	Theft from Motor Vehicle	THROUGH UNLOCKED DOOR SIDE DOOR	12/5/2024
10	2412000653SH	Vandalism/Felony		12/17/2024

All Incident Count

Row Labels 	Count of Dept_Code_
Counterfeiting/Forgery	1
Drug Equipment Violation	1
Drugs/Narcotics Violation/Felony	2
Intimidation	1
MVT/Passenger Vehicle	1
Other Theft/Non-Specific	2
Shoplifting/Misdemeanor	2
Theft from Building	1
Theft from Motor Vehicle	3
Vandalism/Felony	1
Grand Total	15

Tracked Count

Tracked Crimes	Dec-24	Nov-24	Dec-23
Agg Assault	0	1	1
Burg Bus	0	0	0
Burg Const	0	0	0
Burg Res	0	0	0
MVT	1	2	1
Other Lar	4	4	4
Robb Ind	0	0	0
Theft Fm Bldg	1	0	0
Theft fm Mot Veh	3	10	3
Vandalism	1	1	0
Totals	10	18	9

END OF PRESENTATION

CITY OF

LAKE LAND

TENNESSEE

City Manager's Report
January 2025

CITY OF
LAKELAND
TENNESSEE
City Manager's Report

BOC Priorities Linkage

City Manager's Report



BOC Priorities Linkage

Public Safety	Economic Development
17 - RES: MOU with SCSO 19 - Discussion: District Connector Program	16 - RES: Condemnation of land
Parks and Recreation	Enhance City Planning
2 - ORD: Brody Townsend Athletic Complex renaming 6 - RES: Lot 9 in Lakeland Town Square 11 - RES: Design of Lakeland Community Center Aquatics 15 - RES: Grant application for LPRF grant 16 - RES: Condemnation of land	3 - ORD: LDR Update
Road Maintenance	Administrative Support / Other
8 - RES: FY2025 concrete project 9 - RES: Adagio Lane improvements 13 - RES: Grant application for New Canada Road	1 - Minutes approval 4 - RES: Meeting calendar update 5 - RES: Budget preparation calendar 7 - RES: Change order, Chambers Chapel project 10 - RES: Amendment on Oliver Creek design 12 - RES: CEI for Oliver Creek interceptor project 14 - RES: Grant application for wetlands grant 18 - Discussion: budget transfers

CITY OF
LAKE LAND
TENNESSEE
City Manager's Report

Payments Reported

City Manager's Report



Payments Reported

AMOUNT	DATE	VENDOR	DESCRIPTION
12,488.46	12/19/24	CENTRAL TECHNOLOGIES, INC.	Access control server replacement due to water damage, approved by prior BOC resolution
16,620.00	12/19/24	KIMLEY-HORN AND ASSOCIATES INC	Progress payment on LDR update, approved by prior BOC resolution
12,527.47	12/19/24	LAKELAND SCHOOL SYSTEM	Quarterly field maintenance payment to LSS per MOU approved by prior BOC resolution
16,078.00	12/19/24	SMITH SECKMAN REID, INC.	Life station replacement, approved by prior BOC resolution
10,081.56	1/2/25	QUAD COUNTY	Routine payment to landfill (disposal) under contract, regular ongoing operating costs in annual budget

CITY OF
LAKE**LAND**
TENNESSEE
City Manager's Report

City Staff Highlights

City Manager's Report

City Staff Highlights



- Work Anniversaries –
 - 1 Year –
 - Becca Hume, Public Works
 - 2 Years –
 - Cheyenne Carter, Administration
 - Birthdays –
 - MyRanda White, Lisa West, Jasmine Barbee, Becca Hume, Dylan Embree, Bobby Carpenter
-



City Manager's Report

January 2025

City Staff *Superstar*

City Manager's Report

City Staff *Superstar*



Logan Fink

Maintenance Technician II

- Worked relentlessly and tirelessly during the *snowmageddon 2025* event
- Shows true leadership potential with the team, willing to take on and do anything required
- Dedicated and trustworthy
- Works with ALL of our Public Works personnel, who continually show a commitment:

**WE GET THINGS
DONE.**



City Manager's Report Questions?



Board of Commissioners
Regular Meeting Minutes
Thursday, December 5, 2024, 5:30 PM
City Hall, Lakeland, Tennessee 38002

I. CALL TO ORDER BY MAYOR:

The meeting was called to order by Mayor Josh Roman 5:30 p.m. on Thursday, December 5, 2024.

II. INVOCATION:

The invocation was offered by Mayor Roman.

III. PLEDGE:

The Pledge to the Flag was led by Mayor Roman.

IV. ROLL CALL BY RECORDER:

Commissioner Jim Atkinson	Present
Vice-Mayor Michele Dial	Present
Commissioner Connie McCarter	Present
Mayor Josh Roman	Present
Commissioner Derek Johnston	Present

Staff personnel in attendance were City Manager Michael Walker, City Attorney Will Patterson, Staff Engineer Luis Camarillo Hernandez, Parks and Recreation Director Andrew Fisher and City Recorder Cheyenne Carter.

V. PUBLIC HEARING:

1. **Ordinance - Second and Final Reading** - amending ordinance 13-184 and the City of Lakeland Financial Policies Manual to conform to Title 5, Chapter 4 of the Lakeland municipal code.

No comments were heard at this time.

2. **Ordinance - First Reading** - approving the application to rename the Lakeland Athletic Complex to the Brody Townsend Athletic Complex.

1. Jessica Cannon of the 10000 block of Ramblewood Dr.
2. Nick Townsend of the 10000 block of Woodbrook Circle.

Mayor Roman motioned to relax the rules. No objections were heard.

Mayor Roman motioned to bring regular agenda item number four to be discussed at this time of the agenda. No objections were heard.

VI. TREASURER'S REPORT:

None.

VII. REPORTS FROM COMMITTEES, MEMBERS OF THE BOARD OF COMMISSIONERS & OTHER OFFICERS:

1. Sheriff's Report

a. October Lakeland Crime Report

This report was offered by Lieutenant Tartt.

For the record: Mayor Roman called for a 2 minute recess at this time. No objections were heard. The meeting resumed at 5:57pm.

2. City Manager's Report - December 2024

This report was offered by City Manager Michael Walker.

VIII. PUBLIC COMMENTS:

None.

IX. SEWERAGE COMMISSION BUSINESS:

None.

X. CONSENT AGENDA:

None.

XI. REGULAR AGENDA:

4. **Ordinance - First Reading** - approving the application to rename the Lakeland Athletic Complex to the Brody Townsend Athletic Complex. *Sponsored by Mayor Roman, Vice Mayor Dial, Commissioner Atkinson, Commissioner Johnston and Commissioner McCarter*

Mayor Roman moved to bring this item to the floor, seconded by Commissioner Atkinson.

Discussion ensued.

Public comments were heard from Nick Townsend at this time.

Discussion ensued.

When the question was called the first reading of the ordinance passed as presented, voice vote, 5 in favor 0 against 0 abstain (5-0-0).

1. **Approval of previous meeting minutes** - November 7, 2024

Mayor Roman moved to bring this item to the floor, seconded by Vice-Mayor Dial.

Discussion ensued.

When the question was called the meeting minutes passed as presented, voice vote, 5 in favor 0 against 0 abstain (5-0-0).

2. **Approval of previous meeting minutes** - November 14, 2024 (MPDRC/BOC Special Called Joint Meeting)

Mayor Roman moved to bring this item to the floor, seconded by Vice-Mayor Dial.

Discussion ensued.

When the question was called the meeting minutes passed as presented, voice vote, 5 in favor 0 against 0 abstain (5-0-0).

3. **Ordinance - Second and Final Reading** - amending ordinance 13-184 and the City of Lakeland Financial Policies Manual to conform to Title 5, Chapter 4 of the Lakeland municipal code.

Vice-Mayor Dial moved to bring this item to the floor, seconded by Commissioner Atkinson.

Discussion ensued.

When the question was called the second and final reading of the ordinance passed as presented, roll call vote, 5 in favor 0 against 0 abstain (5-0-0).

Yea: Commissioner Atkinson, Vice-Mayor Dial, Commissioner McCarter, Mayor Roman, Commissioner Johnston

Nay: None

Abstain: None

5. **Resolution** - electing a Vice Mayor and appointing Board of Commissioner liaisons to the City of Lakeland's boards, commissions, and committees.

Mayor Roman moved to bring this item to the floor, seconded by Vice-Mayor Dial.

Mayor Roman motioned to nominate Commissioner Dial as the continuing role of Vice Mayor seconded by Commissioner Atkinson. No

objections were heard.

Commissioner Atkinson motioned to nominate Mayor Roman as the Board of Appeals/Stormwater Board of Appeals liaison seconded by Vice Mayor Dial. No objections were heard.

Mayor Roman motioned to nominate Commissioner Johnston as the Industrial Development Board liaison seconded by Commissioner Atkinson. No objections were heard.

Mayor Roman motioned to nominate Commissioner Johnston as the Lakeland School System Board of Education liaison seconded by Commissioner Atkinson. No objections were heard.

Mayor Roman motioned to nominate Commissioner Atkinson as the continuing Municipal Planning/Design Review Commission liaison seconded by Vice Mayor Dial. No objections were heard.

Mayor Roman motioned to nominate Vice Mayor Dial as the continuing Parks and Recreation/Natural Resources Board liaison seconded by Commissioner Atkinson. No objections were heard.

Mayor Roman motioned to nominate Vice Mayor Dial as the continuing Community Advisory Board liaison seconded by Commissioner Atkinson. No objections were heard.

Mayor Roman moved to amend the resolution as nominated, seconded by Commissioner Atkinson. No objections were heard.

Discussion ensued.

When the question was called the resolution passed as amended by nomination, roll call vote, 5 in favor 0 against 0 abstain (5-0-0).

Yea: Commissioner Atkinson, Vice-Mayor Dial, Commissioner McCarter, Mayor Roman, Commissioner Johnston

Nay: None

Abstain: None

6. **Resolution** - authorizing the reduction of Security for Public and Common Improvements for Lakeland Meadows Phase 1 Planned Development.

Commissioner Atkinson moved to bring this item to the floor, seconded by Vice-Mayor Dial.

Staff Engineer Luis Camarillo Hernandez presented this item.

Discussion ensued.

When the question was called the resolution passed as presented, roll call vote, 5 in favor 0 against 0 abstain (5-0-0).

Yea: Commissioner Atkinson, Vice-Mayor Dial, Commissioner McCarter, Mayor Roman, Commissioner Johnston

Nay: None

Abstain: None

7. **Resolution** - accepting Lot 9 in the Lakeland Town Square development (formerly known as Lakeland Commons) and authorizing the City Manager and the City Attorney to execute necessary documents.

Mayor Roman moved to bring this item to the floor, seconded by Vice-Mayor Dial.

City Attorney Will Patterson presented this item.

Discussion ensued.

Comments were heard from developer Vince Smith.

Discussion ensued.

Mayor Roman motioned to table this item until the next regular meeting to be held on January 16, 2025 seconded by Commissioner Atkinson.

When the question was called the motion to table the item passed, voice vote, 5 in favor 0 against 0 abstain (5-0-0).

8. **Resolution** - approving the submittal of applications to the Memphis Urban Area Metropolitan Planning Organization for funding through the 2026-2029 Transportation Improvement Program.

Vice-Mayor Dial moved to bring this item to the floor, seconded by Commissioner Atkinson.

Staff Engineer Luis Camarillo Hernandez presented this item.

Discussion ensued.

Mayor Roman motioned to amend the resolution to exclude the Highway 70 Corridor Study in the third whereas seconded by Commissioner Atkinson.

When the question was called the motion to amend the resolution passed, voice vote, 5 in favor 0 against 0 abstain (0-0-0).

Discussion ensued.

When the question was called the resolution passed as amended, roll call vote, 5 in favor 0 against 0 abstain (5-0-0).

Yea: Commissioner Atkinson, Vice-Mayor Dial, Commissioner McCarter, Mayor Roman, Commissioner Johnston

Nay: None

Abstain: None

9. **Resolution** - approving a development contract with Valleybrook Development, LLC & Scotts Creek Development, LLC, as a Joint Venture, to improve and develop the site to be known as Seed Tick Road Extension, rescinding Resolution R-165-2024.

Vice-Mayor Dial moved to bring this item to the floor, seconded by Commissioner Atkinson.

City Manager Michael Walker presented this item.

Discussion ensued.

When the question was called the resolution passed as presented, voice vote, 5 in favor 0 against 0 abstain (5-0-0).

11. **Resolution** - approving a residential subdivision development contract with Evergreen, LLC for a 32-lot subdivision to be known as Evergreen Planned Development Phase 2 rescinding Resolution R-162-2024.

Mayor Roman moved to bring this item to the floor, seconded by Vice-Mayor Dial.

Staff Engineer Luis Camarillo Hernandez presented this item.

Discussion ensued.

When the question was called the resolution passed as presented, voice vote, 5 in favor 0 against 0 abstain (5-0-0).

12. **Resolution** - adopting a development agreement between the Industrial Development Board of the City of Lakeland, Tennessee, and the City of Lakeland, Tennessee, related to the Safety Tax Increment Financing development area.

Commissioner Atkinson moved to bring this item to the floor, seconded by Vice-Mayor Dial.

City Manager Michael Walker presented this item.

Discussion ensued.

When the question was called the resolution passed as presented, roll call vote, 5 in favor 0 against 0 abstain (5-0-0).

Yea: Commissioner Atkinson, Vice-Mayor Dial, Commissioner McCarter, Mayor Roman, Commissioner Johnston

Nay: None

Abstain: None

13. **Resolution** - approving an agreement with the State of Tennessee Department of Human Services for new construction of an early learning center at the Lakeland Community Center.

Vice-Mayor Dial moved to bring this item to the floor, seconded by Commissioner Atkinson.

City Attorney Will Patterson presented this item.

Discussion ensued.

When the question was called the resolution passed as presented, roll call vote, 4 in favor 1 against 0 abstain (4-1-0).

Yea: Commissioner Atkinson, Vice-Mayor Dial, Mayor Roman, Commissioner Johnston

Nay: Commissioner McCarter

Abstain: None

14. **Resolution** - approving the calendar year 2025 City of Lakeland meeting calendar.

Vice-Mayor Dial moved to bring this item to the floor, seconded by Commissioner Atkinson.

Mayor Roman presented this item.

Discussion ensued.

When the question was called the resolution passed as presented, roll call vote, 5 in favor 0 against 0 abstain (5-0-0).

Yea: Commissioner Atkinson, Vice-Mayor Dial, Commissioner McCarter, Mayor Roman, Commissioner Johnston

Nay: None

Abstain: None

15. **Resolution** - authorizing appointments to the Industrial Development Board of the City of Lakeland, Tennessee. *Sponsored by Mayor Roman*

Mayor Roman moved to bring this item to the floor, seconded by Commissioner Atkinson.

Mayor Roman presented this item.

Discussion ensued.

When the question was called the resolution passed as presented, roll call vote, 4 in favor 1 against 0 abstain (4-1-0).

Yea: Commissioner Atkinson, Vice-Mayor Dial, Mayor Roman, Commissioner Johnston

Nay: Commissioner McCarter

Abstain: None

16. **Resolution** - authorizing reappointments to the Industrial Development Board of the City of Lakeland, Tennessee. *Sponsored by Mayor Roman*

Mayor Roman moved to bring this item to the floor, seconded by Commissioner Atkinson.

Mayor Roman presented this item.

Discussion ensued.

When the question was called the resolution passed as presented, roll call vote, 4 in favor 0 against 1 abstain (4-0-1).

Yea: Commissioner Atkinson, Vice-Mayor Dial, Mayor Roman, Commissioner Johnston

Nay: None

Abstain: Commissioner McCarter

- 10 **Resolution** - approving a professional services agreement with Buchart I
for Construction Engineering and Inspection services related to the Oliv
Interceptor project.

Vice-Mayor Dial moved to bring this item to the floor, seconded by Com
Atkinson.

Staff Engineer Luis Camarillo Hernandez presented this item.

Discussion ensued.

Mayor Roman motioned to table this item until the end of the regular ag
objections were heard.

Mayor Roman motioned to bring this item off of the table at the conclus
regular meeting items seconded by Commissioner Atkinson. No objecti
heard.

Staff Engineer Luis Camarillo Hernandez presented this item.

Discussion ensued.

***When the question was called the resolution passed as presented
vote, 5 in favor 0 against 0 abstain (5-0-0).***

Yea: Commissioner Atkinson, Vice-Mayor Dial, Commissioner I
Mayor Roman, Commissioner Johnston

Nay: None

Abstain: None

XII. ANNOUNCEMENTS:

1. City Manager Michael Walker announced the Breakfast with Santa
event to be held on Saturday, December 7, 2024.
2. Mayor Roman provided an appreciation speech.
3. Commissioner McCarter provided a message to the board members
and staff wishing a happy holiday season.

XIII. ADJOURNMENT:

There being no other business on which to act, the meeting was adjourned
without objection at 7:23pm on Thursday, December 5, 2024.

These minutes were approved on January 16, 2025.

Josh Roman
Mayor

ATTEST:

Cheyenne Carter
City Recorder

DRAFT



Board of Commissioners

Meeting Cycle: Thursday, January 16, 2025

Subject: **Ordinance - Second and Final Reading** - approving the application to rename the Lakeland Athletic Complex to the Brody Townsend Athletic Complex. *Sponsored by Mayor Roman, Vice Mayor Dial, Commissioner Atkinson, Commissioner Johnston and Commissioner McCarter*

Staff Contact: Andrew Fisher, Parks and Recreation Director

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve ordinance O-10-2024.

BUDGET IMPACT

There is no budgetary impact related to this ordinance.

DISCUSSION

Pursuant to the Facility Naming Policy that was amended by the Board of Commissioners via Resolution R-62-2022, an application has been filed to rename the Lakeland Athletic Complex, located at 9661 Memphis-Arlington Road, Lakeland, TN 38002, to the Brody Townsend Athletic Complex. The application was brought before the Parks and Recreation/Natural Resource Advisory Board at the regularly scheduled meeting on November 12, 2024. The PRB unanimously voted to recommend this application to the BOC for approval.

ORDINANCE O-10-2024

APPROVING THE APPLICATION TO RENAME THE LAKELAND ATHLETIC COMPLEX
TO THE BRODY TOWNSEND ATHLETIC COMPLEX

WHEREAS, the Facility Naming Policy was last amended by the Board of Commissioners via Resolution R-62-2022; and,

WHEREAS, an application has been filed to rename the Lakeland Athletic Complex located at 9661 Memphis-Arlington Road, Lakeland, TN 38002 in memory of Brody Townsend; and,

WHEREAS, all requirements of the Facility Naming Policy have been met, including a unanimously passed recommendation of approval vote at the November 12, 2024 regular meeting by the Parks and Recreation/Natural Resource Advisory Board to the Board of Commissioners; and,

WHEREAS, the new name of the facility will be the Brody Townsend Athletic Complex:

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Lakeland, Tennessee, that:

SECTION 1. the Lakeland Athletic Complex shall be renamed to the Brody Townsend Athletic Complex.

SECTION 2. All ordinances in conflict with the provisions of this ordinance are hereby repealed. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

SECTION 3. This ordinance shall take effect the latter of fifteen (15) days after first reading or immediately upon final passage, the public welfare requiring it.

First Reading: December 5, 2024

Public Hearing: January 16, 2025

Final Reading: January 16, 2025

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder



PARKS AND RECREATION FACILITY NAMING POLICY

FACILITY NAMING APPLICATION

Purpose:

The City of Lakeland values community in the naming of a Parks and Recreation facility. This policy provides the process and guidelines for the permanent naming of a Parks and Recreation Department operated park, facility, or amenity (collectively asset). Public participation is an integral part of this process, but the final decision is made by the City of Lakeland Board of Commissioners (BOC).

Naming of a park, facility, or amenity under this policy is distinguishable from the sponsorship of such park, facility, or amenity in that a sponsorship is the naming of an asset only for a specified period of time.

Restrictions:

- The name shall not duplicate any other asset.
- The name shall not endorse or advocate any religious, personal, or political belief or position.
- Once named, an asset will not be re-named without extraordinary reason.
- A person for whom an asset is being named shall:
 - Be deceased for 3 years in the case of adults.
 - Have made a positive impact on or significant gift to the City of Lakeland.
- Applicants must agree to fund the replacement or creation of any signage necessary for such a name change.
- Application will be considered in the following categories:
 - Outstanding Individual with sustained contributions to the community.
 - Historical Event, Person, Place
 - Natural or Geographic Feature in the area
 - Benefit/Organization Acknowledging a major gift to the community.

Procedure:

The application for Facility Naming shall be as follows:

- The Official Facility Naming application shall be filled out and the accompanying signatures in support of the facility naming from Lakeland residents shall be collected.
 - No less than 30 signatures must be collected
 - No less than 50% of the signatures must be from residents within a 3-mile radius of the asset in question.
- The application shall be submitted to the Parks and Recreation Director.
- The application shall be forwarded to the Parks and Recreation / Natural Resources Advisory Board (PRB) no less than 7 days prior to the next regularly scheduled meeting.
- The PRB will review and vote on recommendation or denial of the naming of the facility to the BOC.
 - The PRB may also vote to defer the application to the next meeting, request more information from the applicant or clarification of the application.
- Should the application be recommended to the BOC, the application will be forwarded to the BOC at the next regularly scheduled work session for discussion and comment.
 - The application cannot be placed in the consent agenda during the regularly scheduled work session as to allow for two periods of public comment prior to a vote.
- Any and all other allowable motions or directives made by the BOC will be permissible.
- Notice to the public of the application will be made through:
 - City email and/or social media
 - Signage posted at the site



FACILITY NAMING APPLICATION

Applicant Information:

Applicant Name: Jessica Cannon

Mailing Address: 10233 Ramblewood Dr.

City: Lakeland State: TN ZIP: 38002

Home Phone: _____

Mobile Phone: 615-336-7595

Email: jessicadannon@gmail.com

Organization: _____ Non-Profit ☐

Proposed Name / Change:

Current Asset Name: Lakeland Athletic Complex

Asset Address/Location: 9661 Memphis-Arlington Rd.

Suggested Name: Brady Townsend Athletic Complex

Category:

- ☒ Outstanding Individual(s)
☐ Historical Event, Person, Place
☐ Natural or Geographic Feature in the area
☐ Benefit/Organization Acknowledging a major gift to the community.
☐ Other:

Please provide a written narrative that supports the nomination for consideration. If proposing to name an asset after an outstanding person, a biography must also be attached and include material that identifies the individual's significance and notable reputation in the City of Lakeland.

See Attached

Attach additional pages if needed. Supporting documentation is encouraged for all applications to help justify why this name should be chosen.

Proposal to Rename Lakeland Athletic Complex in Memory of Brody Townsend

I am proposing to honor the memory of Brody Townsend, a beloved member of Lakeland, by renaming The Lakeland Athletic Complex to the Brody Townsend Athletic Complex, in his honor. Brody was an inspiring young man whose life and resilience touched many. Renaming this park would provide a lasting tribute to his strength, love for sports, and the impact he had on our community.

Brody was known for his passion for sports; he played everything from soccer, baseball and football, to running cross country & swimming. While a fierce competitor, he could often be found encouraging others, pushing friends to give their best, and embodying a true team spirit. Even during his battle with cancer, Brody continued to show unwavering strength, often encouraging friends and family to “toughen up” and face life’s challenges with resilience.

Through his courage, Brody united the community, teaching everyone the value of perseverance and the importance of lifting each other up. At just nine years old, he reminded us to find strength even in difficult times, and that lesson remains a lasting legacy. Renaming the athletic complex after Brody, would provide our community with a space that commemorates his joyful spirit and enduring impact.

Since Brody's passing, community members have expressed a desire to honor him in a way that reflects his love for sports, courage, and contributions to the community. Lakeland residents participate in the Chad Tough run each year in Brody’s memory; Lakeland Prep now has the annual Brody Classic baseball game; runners honor him in the St. Jude Marathon each year as well. Numerous residents, friends, and family members have voiced strong support for renaming the Lakeland Athletic Complex to celebrate Brody’s memory. Attached to this proposal is a petition signed by community members who believe in the importance of this tribute.

Benefits of Renaming the Park

1. **A Space for Healing and Remembrance:** The park will serve as a comforting place for family, friends, and community members to reflect and honor Brody.
2. **A Community Landmark for Inspiration:** The renamed park would be a testament to Brody's spirit, reminding us of his strength, to #toughenup, and inspiring future generations to embody similar courage and compassion.
3. **A Tribute to Brody’s Love for Sports:** The park would continue to be a gathering place for sports and play, reflecting his passion and encouraging young athletes to persevere, build friendships, and enjoy the games he loved.

Renaming the Lakeland Athletic Complex in honor of Brody will be a meaningful way to celebrate his life, passion, and enduring impact on the Lakeland community. I respectfully submit this proposal to establish a lasting tribute that reflects the spirit, strength, and unity he brought into our lives.

FACILITY NAMING APPLICATION - CITIZEN SUPPORT

Eligible members of the public who support the nomination:

Every person must include their name, address, phone number and signature

Name	Address	Phone Number	Signature
Jessica Cannon	10233 Ramblewood Dr.	615-336-7595	
Krista York	10211 Ramblewood Dr.	901-857-1848	
Cassidy Alexander	10210 Ramblewood Dr	901-481-0756	
Greg Williams	10232 Ramblewood Dr	901-845-3052	
Amy Foster	10293 Oak Bank Cx	518 586 1016	
David Foster	10293 Oak Bank Cx	901-356-6455	
Jaime Hathcock	10195 Woodbrook Cr	901-598-5978	
Phillip Hathcock	10195 Woodbrook Cr	901-859-2339	
Ricky Jainez	10189 Woodbrook Cr	901-626-7442	
Ann Stigler	10205 Woodbrook Cr	901 491 3413	
Janice Cheston	10189 Woodbrook Cir	901-826-0209	
Jennifer Cheston Owens	10189 Woodbrook Cir	901-828-5525	
Ashley Strigler	10205 Woodbrook Cir	901-491-7724	
Zachary Perry	10173 Woodbrook Cir	901-338-1679	
Wendy R. Perry	10173 Woodbrook Circle	901-867-1944	

FACILITY NAMING APPLICATION - CITIZEN SUPPORT

Eligible members of the public who support the nomination:

Every person must include their name, address, phone number and signature

Name	Address	Phone Number	Signature
Jenny Kiesel	9377 Fir Hill Dr. N	901-603-9558	Jenny Kiesel
Jeremy Burnett	4020 Canada Road	901-634-2301	Jeremy Burnett
Andrea Valentine	4060 Duck Hill Cove	901-240-0089	Andrea Valentine
Vegan Valentine	4060 Duck Hill Cove	901-499-7968	Vegan Valentine
Brad Spencer	9484 Canabridge	901-491-1500	Brad Spencer
Rachel Spencer	9484 Canabridge	901-461-5128	Rachel Spencer
Michelle Childs	110 Pine Hill Cove S	901-623-4693	Michelle Childs
Trey Childs	4110 Pine Hill Cove S	901-425-6773	Trey Childs
Jamie Johnson	4992 Swan Hill Dr.	901-230-3660	Jamie Johnson
Karis Kennedy	9677 Cutter Ln.	901-337-8098	Karis Kennedy
Rhonda Barkley	4112 Swan Hill	901-355-6764	Rhonda Barkley
Brian True	4094 E Fir Hill Dr.	901-331-0664	Brian True
Cotton True	4094 E Fir Hill Dr.	901-613-8222	Cotton True
Spasm Valentine	4064 Duck Hill Cove	901-647-0343	Spasm Valentine
Joseph Green	9431 Owl Hill Drive	901-412-5349	Joseph Green
Wesley Wright	4063 Fir Hill Drive East	901-440-4983	Wesley Wright

FACILITY NAMING APPLICATION - CITIZEN SUPPORT

Eligible members of the public who support the nomination:
Every person must include their name, address, phone number and signature

Name	Address	Phone Number	Signature
Kyndal Peterson	4064 Pine Hill Cvs	901 351 8087	Kyndal Peterson
Brandon Peterson	4064 Pine Hill Cvs	901 484 0400	Brandon Peterson
Lauren Lemmons	9191 Eagle Hill Cove	901 907 7722	Lauren Lemmons
Jonathan Lemmons	4191 Eagle Hill Cove	901 438 6785	Jonathan Lemmons
Kimberly Hallum	9399 Fir Hill Dr N	901 834 1994	Kimberly Hallum
Warren Hallum	9399 Fir Hill Dr N	901 834 1993	Warren Hallum
Andrew Hallum	9399 Fir Hill Dr N	901 834 0257	Andrew Hallum
Avery Valentine	4064 Dicks Hill Cv	901 530 3152	Avery Valentine
CASEY TRUE	4094 E Fir Hill Dr	901 831 4488	CASEY TRUE
Kara Manis	9454 Owl Hill Dr	901 857 5225	Kara Manis
Valerie Sanchez	9348 Owl Hill Dr.	(901) 481-6238	Valerie Sanchez
Juan H Sanchez	9348 Owl Hill Dr	(901) 355-7935	Juan H Sanchez
Jon FR. E. M. W.	90285 Herons Pond Ln	901-827-9473	Jon FR. E. M. W.
Sohil Harrington	9338 Owl Hill	901-351-8026	Sohil Harrington
Heather Harrington	9338 Owl Hill	901-921-8868	Heather Harrington
Patricia Aguilar	9289 Owl Hill	(901) 606-5747	Patricia Aguilar

FACILITY NAMING APPLICATION - CITIZEN SUPPORT

Eligible members of the public who support the nomination:

Every person must include their name, address, phone number and signature

Name	Address	Phone Number	Signature
Lindsey Townsend	10179 Woodbrook Circle	901-212-7380	Lindsey Townsend
Morgan Jones	10187 Mackwood Dr.	901-356-0579	Morgan Jones
Heather McClintock	10158 Mackwood	901-826-2268	Heather McClintock
Caroline Yoder	10181 Gillespie Oak Dr.	901-219-1078	Caroline Yoder
Lindsey Chugden	4488 Mt. Gillespie Dr.	425-444-3919	Lindsey Chugden
Stacy Craft	10144 Woodbrook Dr	731-394-3165	Stacy Craft
Stephanie Jacobson	10459 Mt. McKenzie Rd.	901-355-1592	Stephanie Jacobson
Amanda Stone	10264 Maple Run Dr.	832-283-5060	Amanda Stone
Jeremy Stone	4003 Midwood Oak Dr	731-695-2114	Jeremy Stone
Cassie Speke	4498 Colwood Dr.	901-355-7947	Cassie Speke
Chloe Speke	" "	901-350-8321	Chloe Speke
Allie Tinnin	10509 Pilegrimage Rd.	901-349-7099	Allie Tinnin
	10507 Pilegrimage Rd	701-461-1931	
	10501 Pilegrimage Rd	901-619-3679	

FACILITY NAMING APPLICATION - CITIZEN SUPPORT

Eligible members of the public who support the nomination:

Every person must include their name, address, phone number and signature

Name	Address	Phone Number	Signature
Christopher A. Perry	10173 Woodbrook Circle	901-483-8491	Christopher A. Perry
Kathy Lofton	10183 Woodbrook Circle	901-484-5949	Kathy Lofton
MARK PITTI	10187 Mackwood Dr	901-356-0982	Mark Pitti
Rachel Gross	10191 Herons Landing Cv.	901-857-9371	Rachel Gross
Penny Wilkins	10034 Pointe Cv	901-335-4788	Penny Wilkins
Mark Wilkins	10034 Pointe Cv.	901-305-0815	Mark Wilkins
Kembree Darakshani	10306 Herons Ridge Cove	901-210-4100	Kembree Darakshani
Judson Maxwell	10165 Mackwood Dr	901-356-8481	Judson Maxwell
Jessica Maxwell	10165 Mackwood Dr	901-288-4676	Jessica Maxwell
James DeBose	10177 Mackwood Dr	901-258-1146	James DeBose
Angela DeBose	10177 Mackwood Dr	901-661-3029	Angela DeBose
Whitney Moore	4129 Fir Hill Dr W	812-391-4285	Whitney Moore
Kyle Cannon	10233 Randelwood Dr	801-836-5406	Kyle Cannon

FACILITY NAMING APPLICATION - CITIZEN SUPPORT

Eligible members of the public who support the nomination:

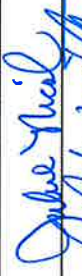
Every person must include their name, address, phone number and signature

Name	Address	Phone Number	Signature
Jaclyn Houston	10195 Hampton Drive 38002	901 598 3079	Jaclyn Houston
Jonathan Houston	10195 Hampton Dr 38002	901 598 3079	Jonathan Houston
Kim Brooks	10513 Ashlyn Valley Dr	501-984-1817	Kim Brooks
Kimberly Turner	5228 Tun. Rose dr	901-552-6073	Kimberly Turner
Ryan Tillingham	5228 Tun. Rose dr	901-552-6073	Ryan Tillingham
Adriana Gortz	3805 Bent Meadows Ln	901 403 0244	Adriana Gortz
Liza Gussens	3032 Long Bridge Ln	901-262-1383	Liza Gussens
Ali AbuSaber	9407 Canabridge Dr	731-935-9569	Ali AbuSaber
Erin Miller	9445 Pleasantridge	904 566 1194	Erin Miller
Kristy Nguyen	4213 Henry Bridge	901 283-8977	Kristy Nguyen
Charles	9714 R. and S. Ave	201 573-3535	Charles
Brenna Shlangoski	4712 Lakeland Trace	502-744-0448	Brenna Shlangoski
Bryan Shlangoski	4712 Lakeland Trace	502-269-9470	Bryan Shlangoski
Adriana Rodriguez	5341 Evergreen Creek	901 444 2287	Adriana Rodriguez
Caitlin Williams	9089 Pleasantridge Rd	901 403 2937	Caitlin Williams

FACILITY NAMING APPLICATION - CITIZEN SUPPORT

Eligible members of the public who support the nomination:

Every person must include their name, address, phone number and signature

Name	Address	Phone Number	Signature
James Garcia	10180 Cedar Elm	901-219-9630	
Paula Garcia	10180 Cedar Elm	901-485-1601	
Sharon Locke	10208 Sprucewood Ct.	901-413-8156	
Dave Locke	10208 Sprucewood Ct.	901-734-5535	
Duncan Nicol	4730 Maple Forest Dr.	738-416-9162	
Julie Nicol	4720 Maple Forest	901-413-8157	
Cat Wright	4045 Potter Woods Cv.	901-494-7450	
Brett Wright	"	901-494-7450	
Mollie Wright	"	901-494-7450	
Jill Hoover	41236 Chalmette Dr	225-938-5886	
Jonathan Hoover	"	225-938-5884	
Staci Goforth	10211 Cedar Elm	901-628-4834	
Dan Goforth	10211 Cedar Elm	901-628-9823	

FACILITY NAMING APPLICATION - CITIZEN SUPPORT

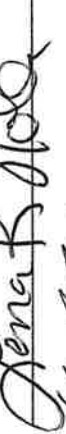
Eligible members of the public who support the nomination:

Every person must include their name, address, phone number and signature

Name	Address	Phone Number	Signature
Ashley Pearcy	10385 Bentbrooke Dr	(901) 330-5259	
Kimlin Bar	1028 Old Brumfield Rd	901 734 7009	
Kristen Statton	3031 Landbridge Cv.	501-605-2679	
Hianny Adrio	9628 Silver Fox Cv.	901 304 3111	
Cue Hue	8930 Clair downie cove	901-403-0135	Cynthia Hearn
Hanh ngu	5177 Adagio Ln	907-827-9116	
Stacey Martin	10207 Maple Springs Cove	901-340-4300	Stacy Martin
Bill Alexander	10446 Riley River Rd.	901-461-7354	
Easton Peeler	4851 Grayson Gorge Rd	901-921-9978	Easton Peeler
Megan Dupuy	4835 Grayson Gorge Rd	225-936-5706	
Joy Poole	4849 Maple Walk Dr	901-8284958	Joy Poole
John Murbloek	4805 Grayson Gorge Rd	615-618-2221	
Naissa Dehann	4871 Grayson Gorge Rd	901-428-7357	Naissa Dehann

FACILITY NAMING APPLICATION - CITIZEN SUPPORT

Eligible members of the public who support the nomination:
Every person must include their name, address, phone number and signature

Name	Address	Phone Number	Signature
Drew Williams	9059 Pleasant Ridge	901 490 9610	
Danielle Ortega	10413 Loblolly View Ln	206-669-9406	
Jada Ortiz	3267 Wusket Dr	901 493 5109	
Jackie Dandino	9740 Pine Point Dr	901-340 1459	
Martha Dettan	4871 Grayson Gorge	901-488-3188	
Daniel Dettan	4871 Grayson Gorge	901-233-9439	
Stephen Carnes	4415 Mount Gillespie	812-701-0491	
Howell Tapp	9583 Salem Ter	901-687-0334	
Lena Noble	10111 Memphis Arlington Rd	(832) 298-2046	
Michael Moore	16169 Maple Run Drive	901 828 1701	
SPAWN THOMPSON	10087 Caley Pl.	509 307 0513	
Brian Threlk	10196 Maple Springs Cn	901 496-5013	

FACILITY NAMING APPLICATION - CITIZEN SUPPORT

Eligible members of the public who support the nomination:

Every person must include their name, address, phone number and signature

Name	Address	Phone Number	Signature
Jennifer Cobb	5104 Moudry LN	901-233-0651	
Melissa Lancaster	9581 Elm Point Cove	901-301-8863	
Samantha Madersky	4129 Loch Meade Dr	901-210-0155	
Melinda Quillin	6439 Stewart	901-351-4742	
Gena Poole	3977 Blue Spruce Cir	901-277-5124	
Sydney Jenkins	9656 Shadow Green Dr	901-494-5538	
Keri Hoffman	9278 Laurel Hill	901-626-1179	
Tonya Carson	10067 Woodland Grove	901-487-5902	
Rachel Carson	10067 Woodland Grove	901-299-6016	
Jill Leel	10164 Woodbrook Dr	901-277-0749	
Tina David	10203 Sprucewood Ct	901-337-1356	
Angie Todd	3215 Yukon Drive	901-896-6537	

FACILITY NAMING APPLICATION - CITIZEN SUPPORT

Eligible members of the public who support the nomination:
Every person must include their name, address, phone number and signature

Name	Address	Phone Number	Signature
Kenley Scott	10326 Memphis Arlington	901 616 3685	
Adrienne Bregdon	3109 Knob Hill Road	901 424 7230	
Heather Bryant	10190 Maple Run Dr	901 389 7479	
Alice Hsiung	3148 Yukon Dr.	901-605-8890	
Cari Hawkins	3353 Bent Crest Cove	901-283-4848	
Marshall Barnes	4244 Swan Hill Drive	901-361-0200	
Jane Billen	4924 Maple Walk Dr.	864 377 0267	
Cindy Hurley	10254 Maple Run Dr	901-219-3753	
Kate Sendebrach	9420 Stewart Rd	662-316-5730	
Marie Thompson	10290 Morning Oak	901 431 6550	
Cathy Babu	4514 Colwood Dr	312-493-1516	
Amanda Morris	10492 Mt McKenzie	815-210-5091	



Every person must include their name, address, phone number and signature

Page 67 of 966



Every person must include their name, address, phone number and signature

Page 68 of 966



Board of Commissioners

Meeting Cycle: Thursday, January 16, 2025

Subject: **Ordinance - First Reading** - adopting updated Land Development Regulations (LDR) for the City of Lakeland, Tennessee. *Recommended by the Municipal Planning Commission*

Staff Contact: Paul Luker, Planning Director

STAFF RECOMMENDATION

The Municipal Planning Commission and City Staff recommends the Board of Commissioners approve Ordinance O-1-2025.

BUDGET IMPACT

There is no budgetary impact related to this ordinance.

DISCUSSION

See attached Staff Report presented to the Municipal Planning Commission.

ADOPTING UPDATED LAND DEVELOPMENT REGULATIONS (LDR) FOR
THE CITY OF LAKELAND, TENNESSEE

- WHEREAS,** the City of Lakeland, Tennessee, recognizes the need to update its Land Development Regulations to reflect changes in growth patterns, land use needs, and regulatory best practices; and,
- WHEREAS,** the City has conducted a thorough review of its existing regulations and has engaged stakeholders, including residents, property owners, developers, and industry professionals in the process; and,
- WHEREAS,** the City desires to ensure orderly development, protect property values, and promote the health, safety, and welfare of its citizens through the adoption of updated regulations; and,
- WHEREAS,** the City of Lakeland seeks to establish guidelines and requirements to regulate such events and vendors to minimize disruptions and ensure compliance with all applicable laws and ordinances; and,
- WHEREAS,** in accordance with Tennessee Code Annotated, Section 13-7-203 the legislative body held a public hearing to obtain citizen input on said amendments; and,
- WHEREAS,** said public hearing notice was published in a newspaper of general circulation at least 15 days prior to the aforementioned public hearing; and,
- WHEREAS,** the City of Lakeland's Municipal Planning/Design Review Commission reviewed the updates to the Land Development Regulations on December 12, 2024, and voted to approve the recommendation to the Board of Commissioners (BOC):

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Lakeland, Tennessee, that:

- SECTION 1.** the City of Lakeland, Tennessee Land Development Regulation (LDR) updates be approved.
- SECTION 2.** All ordinances in conflict with the provisions of this ordinance are hereby repealed. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.
- SECTION 3.** This ordinance shall take effect the latter of fifteen (15) days after first reading or immediately upon final passage, the public welfare requiring it.

ORDINANCE O-1-2025

ADOPTING UPDATED LAND DEVELOPMENT REGULATIONS (LDR) FOR
THE CITY OF LAKELAND, TENNESSEE

First Reading: January 16, 2025

Public Hearing: February 6, 2025

Final Reading: February 6, 2025

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

Meeting Date: Thursday, December 12, 2024

Project: Land Development Regulations Update

Staff Contact: Alex Barthol, Staff Planner

STAFF RECOMMENDATION

City Staff recommends approval of the Land Development Regulations Update to the Board of Commissioners as presented.

DISCUSSION:

Over the last year City Staff has worked with a consultant, Kimley-Horn, to complete a comprehensive update of the Land Development Regulations. A steering committee comprised of local developers, architects, engineers and other professionals was established to help guide the process and provide input on certain policies and procedures that should be altered or removed completely from the regulations. Below is a summary of some of the things that have changed as referenced in the joint MPDRC BOC meeting that was held on November 14, 2024.

- Modification of the Sign Standards to remove all content-based regulations.
- Removal of Neighborhood Standards and incorporated the "Building Type" development standards into the zoning districts.
- Renumbered the Articles.
- Consolidation of all Subdivision Standards into an Engineering Standards section.
- Inclusion of the Architectural Standards, Sign, and Tree ordinances in the LDRs.
- Revision of the use tables.
- Consolidation and Additional Zoning Districts incorporated.
- Modification of the PUD standards to separate out the district regulations from the administrative regulations.
- Additional alternatives for parking compliance incorporated.

EXAMPLE MOTIONS

1. Motion to recommend approval of the Land Development Regulations Update to the Board of Commissioners subject to the following conditions:
 - a. Conditions as determined by the Planning Commission
2. Motion to recommend approval of the Land Development Regulations Update to the Board of Commissioners without conditions.
3. Motion to recommend denial of the Land Development Regulations Update to the Board of Commissioners:
 - a. Reason for recommendation



LAND DEVELOPMENT REGULATIONS

[PAGE INTENTIONALLY LEFT BLANK FOR ADOPTION ORDINANCE]

CITY OF LAKELAND, TENNESSEE

LAND DEVELOPMENT REGULATIONS

ARTICLE I – ADMINISTRATION.....	4
1. GENERAL PROVISIONS	8
2. DEFINITIONS.....	14
3. REVIEW BODIES AND AUTHORITY.....	36
4. PROCESS, CRITERIA, AND APPLICATION	45
5. DEVELOPMENT CONTRACTS	127
6. OTHER TYPES OF SECURITY	133
7. OWNERS ASSOCIATION	135
8. NONCONFORMANCE	139
ARTICLE II – ZONING REGULATIONS.....	145
1. ZONING REGULATIONS.....	147
2. USES.....	186
3. OVERLAY REQUIREMENTS.....	221
4. SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL PROVISIONS	258
ARTICLE III – DEVELOPMENT AND DESIGN STANDARDS.....	305
1. ARCHITECTURAL STANDARDS	308
2. OPEN SPACE TYPE STANDARDS	328
3. LANDSCAPE STANDARDS.....	347
4. PARKING, LOADING AND ACCESS STANDARDS	414
5. SIGNS	438
6. SITE LIGHTING.....	484
ARTICLE IV – ENGINEERING STANDARDS.....	497
1. STREET TYPE STANDARDS	499
2. UTILITY STANDARDS	531
3. STORMWATER MANAGEMENT	558
4. STREAMSIDE MANAGEMENT BUFFERS	566
ARTICLE V - APPENDIX	583
APPENDIX A. TRAFFIC IMPACT STUDY	584
APPENDIX B. STORMWATER MANAGEMENT CHECKLIST.....	593

ARTICLE I – ADMINISTRATION

1. GENERAL PROVISIONS	8
1.1. TITLE	8
1.2. AUTHORITY	8
1.3. ZONING MAP	9
1.4. JURISDICTION	9
1.5. PURPOSE	9
1.6. REPEAL OF EXISTING ORDINANCES	10
1.7. ABROGATION	10
1.8. EFFECTIVE DATE	10
1.9. APPLICATION OF THE REGULATIONS	10
1.10. ENFORCEMENT	11
1.11. VIOLATIONS AND PENALTIES	11
1.12. SEVERABILITY	12
1.12. FEES	12
1.13. COMPREHENSIVE PLAN	12
2. DEFINITIONS	14
2.1. RULES FOR CONSTRUCTION OF LANGUAGE	14
2.2. DEFINITIONS	16
3. REVIEW BODIES AND AUTHORITY	36
3.1. CITY STAFF	36
3.2. BOARD OF COMMISSIONERS (BOC)	37
3.3. MUNICIPAL PLANNING COMMISSION (MPC)	37
3.4. BOARD OF APPEALS (BOA)	38
3.5. DESIGN REVIEW COMMISSION (DRC)	39
3.6. PARKS AND RECREATION BOARD (PRB)	39
3.7. NATURAL RESOURCES BOARD (NRB)	40
3.8. SUMMARY DEVELOPMENT PROCESS TABLE	41
4. PROCESS, CRITERIA, AND APPLICATION	45
4.1. GENERAL STANDARDS AND REQUIREMENTS	45
4.1.1. PUBLIC HEARING NOTIFICATION REQUIREMENTS	45
4.1.2 MAJOR AND MINOR MODIFICATIONS	48
4.2. PREAPPLICATION CONFERENCE	51
4.2.1. INTENT	51
4.2.2. ELIGIBLE APPLICANT	51
4.2.3. APPLICATION	51

4.2.4. APPLICATION PROCESS	53
4.3. PLATS.....	53
4.3.1. GENERAL STANDARDS	53
4.3.2. PRELIMINARY PLAT	55
4.3.3. FINAL PLAT	60
4.3.4. PLAT VACATION	63
4.3.5. EXEMPT DIVISION	66
4.4. CONSTRUCTION PLANS	68
4.4.1. INTENT.....	68
4.4.2. APPLICABILITY.....	68
4.4.3. ELIGIBLE APPLICANT	68
4.4.4. APPLICATION.....	68
4.4.5. REVIEW CRITERIA.....	71
4.4.6. APPLICATION PROCESS	72
4.5. SUBDIVISIONS.....	73
4.5.1. SUBDIVISION ADMINISTRATIVE APPEAL.....	73
4.5.2. SUBDIVISION MODIFICATION.....	75
4.5.3 AMENDMENT TO THE ENGINEERING STANDARDS	77
4.6. SITE PLANS	79
4.6.1. MINOR SITE PLAN REVIEW	79
4.6.2. SITE PLAN REVIEW	83
4.7. ZONING	88
4.7.1. REZONING.....	88
4.7.2. AMENDMENT TO ZONING REGULATIONS	92
4.7.3. ZONING VARIANCE	95
4.7.4. ZONING ADMINISTRATIVE APPEAL	98
4.8. CONDITIONAL USE PERMIT.....	100
4.8.1. INTENT.....	100
4.8.2. APPLICABILITY.....	100
4.8.3. ELIGIBLE APPLICANT	100
4.8.4. APPLICATION.....	101
4.8.5. REVIEW CRITERIA.....	101
4.8.6. APPLICATION PROCESS	102
4.9. DESIGN REVIEW COMMISSION.....	103
4.9.1. INTENT.....	103
4.9.2. APPLICABILITY.....	104
4.9.3. ELIGIBLE APPLICANT	104
4.9.4. APPLICATION.....	104
4.9.5. REVIEW CRITERIA.....	105
4.9.6. APPLICATION PROCESS	105

4.10. CERTIFICATE OF COMPLIANCE	106
4.10.1. INTENT	106
4.10.2. APPLICABILITY	106
4.10.3. ELIGIBLE APPLICANT	106
4.10.4. APPLICATION	107
4.10.5. REVIEW CRITERIA	107
4.10.6. APPLICATION PROCESS	107
4.11. TREE REMOVAL PERMIT	108
4.11.1. INTENT	108
4.11.2. APPLICABILITY	108
4.11.3. ELIGIBLE APPLICANT	109
4.11.4. APPLICATION	109
4.11.5. REVIEW CRITERIA	109
4.11.6. APPLICATION PROCESS	110
4.12. PLANNED DEVELOPMENTS	111
4.12.1. INTENT	111
4.12.2. APPLICABILITY	111
4.12.3. COORDINATION WITH OTHER PROVISIONS	112
4.12.4. ELIGIBLE APPLICANT	114
4.12.5. REVIEW CRITERIA	114
4.12.6. APPLICATION PROCESS	117
5. DEVELOPMENT CONTRACTS	127
5.1. GENERAL REQUIREMENTS	127
5.2. TYPES OF PUBLIC AND COMMON IMPROVEMENTS	128
5.3. SECURITY FOR PUBLIC AND COMMON IMPROVEMENTS	129
5.4. COMPLETION AND ACCEPTANCE OF PUBLIC AND COMMON IMPROVEMENTS	130
5.5. WARRANTY OF PUBLIC IMPROVEMENTS	131
5.6. MAINTENANCE OF COMMON IMPROVEMENTS	132
6. OTHER TYPES OF SECURITY	133
6.1. TREE ESTABLISHMENT SECURITY	133
6.2. TREE PROTECTION SECURITY	133
6.3. LOT DEPOSIT	134
6.4. SECURITY FOR INCOMPLETE SEASONAL IMPROVEMENTS	134
7. OWNERS ASSOCIATION	135
7.1. OWNERS' ASSOCIATION	135
7.2. DECLARATION OF COVENANTS AND RESTRICTIONS	136
7.3. FUNDING & MAINTAINING COMMON ELEMENTS	136
7.4. CITY ENFORCEMENT	138
8. NONCONFORMANCE	139

8.1. GENERAL PROVISIONS..... 139

8.2. NONCONFORMING STRUCTURES..... 140

8.3. NONCONFORMING USES 141

8.4. NONCONFORMING SITE CHARACTERISTICS..... 143

8.5. EXCEPTIONS 143

8.6. NONCONFORMING LOT 144



1. GENERAL PROVISIONS

1.1. TITLE

- A. The Zoning Ordinance and Engineering Standards, adopted separately and under separate authority, shall be collectively referred to as the **Land Development Regulations of Lakeland, TN.**

1.2. AUTHORITY

- A. This Article includes provisions that fall under both Zoning and Subdivision authority, as defined by the Tennessee Code Annotated (TCA).
- B. The Lakeland Board of Commissioners (BOC) and the Municipal Planning Commission (MPC), under the authority of TCA §13-7-201 and §13- 4-303, enact the Zoning Regulations and Engineering Standards respectively, to promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people.

1.1

1. General Provisions.....	8
1.1. Title.....	8
1.2. Authority	8
1.3. Zoning Map.....	9
1.4. Jurisdiction.....	9
1.5. Purpose	9
1.6. Repeal of Existing Ordinances	10
1.7. Abrogation	10
1.8. Effective Date	10
1.9. Application of the Regulations .	10
1.10. Enforcement	11
1.11. Violations and Penalties	11
1.12. Severability	12
1.12. Fees.....	12
1.13. Comprehensive Plan	12

1.3. ZONING MAP

- A. To regulate the location and Use of land and the permitted Building Types, the City is divided into the districts listed in *Section II.1.1.1 Establishment of Districts*, hereby established to scale as shown on the map entitled Zoning Map of the City of Lakeland and referred to herein as “Zoning Map.”
1. **Zoning Map.** The Zoning Map is adopted by reference and declared to be part of these Land Development Regulations.
 2. **Location of Map.** The official Zoning Map shall be located at City Hall and shall be the final authority as to the Zoning designation of Parcels throughout the City.
 3. **Amending the Map.** All amendments to these regulations (refer to *Section I.4.7.1 Rezoning*) which involve a change to the district designation of a Lot shall be recorded on the official map in City Hall.

1.4. JURISDICTION

The regulations detailed in these Land Development Regulations shall be effective throughout the corporate limits of the City of Lakeland, Tennessee (City).

1.5. PURPOSE

These Land Development Regulations, which may from time to time be referred to as LDRs, are adopted to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the City and for the specific purposes set forth below and elsewhere in these regulations.

- A. To promote better public health through innovative community design.
- B. To promote safety within the community through design principles, such as entrance location and Facade Transparency.
- C. To create walkable environments within the City.
- D. To control and guide the orderly growth and development within the City in accordance with the intents and purpose of the Comprehensive Plan.
- E. To regulate the division of land and to ensure that the land is suitable for building sites and Public Improvements.
- F. To preserve and enhance the City’s natural resources and open spaces, such as its rolling topography, trees, and natural drainageways, for current and future residents of Lakeland.
- G. To establish a relationship between buildings, streets, and open spaces to create compatible, cohesive development within Lakeland.

- H. To guide development to minimize visual clutter and promote economic and social stability within the community.
- I. To promote innovatively designed development that promotes the character of Lakeland.
- J. To prevent conflicts among the Uses of land and buildings.
- K. To establish processes, criteria, and applications for development within Lakeland.

1.6. REPEAL OF EXISTING ORDINANCES

The adoption of these Land Development Regulations shall repeal the existing Zoning, Engineering Standards, and Tree Management Ordinance of the City, as amended.

- A. **Conflicts.** All ordinances or parts of ordinances which conflict with these Land Development Regulations, or inconsistent with the provisions of these regulations, are repealed to the extent of any inconsistency.
- B. **Continuation of Institution or Proceedings.** The adoption of these Land Development Regulations shall not affect nor prevent any pending or future prosecution of an action to abate any existing violation of said existing regulations, as amended, if the violation is also a violation of these regulations.

1.7. ABROGATION

These land development regulations are not intended to repeal, abrogate, or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of the city.

1.8. EFFECTIVE DATE

These Land Development Regulations shall be effective immediately upon adoption and public notification in the manner prescribed by law.

1.9. APPLICATION OF THE REGULATIONS

The provisions in these Land Development Regulations shall be applied as follows.

- A. **New Development.** All development, construction, and establishment of Uses occurring after the effective date of these Land Development Regulations shall be subject to the applicable requirements of these regulations.
- B. **In-Process Development.** Where land development approvals and permits, such as Plats, development contracts, site plans, planned developments, and construction plans, have been approved or issued in advance of these Land Development

Regulations' effective date and in accordance with the prior laws, said development may comply with the plans from which the approval or permit were based, provided that the development complies with the "sunset" or expiration of approvals established in the development contract and planned development approval or, in the absence of such a provision, the construction is begun within two (2) years of the effective date of these Land Development Regulations and that work or construction continues diligently toward completion.

- C. **Nonconformance.** After the effective date of these Land Development Regulations, existing legally developed buildings and Uses that do not comply with the regulations of these Land Development Regulations shall be considered nonconforming and are subject to the standards of *Section 1.8 Nonconformance*.
- D. **Existing Planned Developments.** Any existing approved, unexpired planned developments, whether constructed or not, shall be considered during the enforcement of these Land Development Regulations as existing zoning. For the purposes of transitions and relationships to proposed developments, the Municipal Planning Commission (MPC) shall determine the Zoning District(s) in these Land Development Regulations that match the requirements of each Lot in the planned development as closely as possible.

1.10. ENFORCEMENT

The provisions of these Land Development Regulations shall be administered and enforced by the Code Administrator or his or her designees. Appointed by the City Manager, the Code Administrator shall have the authority and duty to take or direct all actions as warranted by continued violation of these Land Development Regulations, and to make inspections of building or premises about enforcement activities.

1.11. VIOLATIONS AND PENALTIES

Any one (1) or more of the following fines, penalties, or remedies may apply to a violation of these Land Development Regulations:

- A. Any person violating any provisions of these Land Development Regulations shall be guilty of a Class C misdemeanor. Each day of such violation constitutes a separate offense.
- B. Any person violating these Land Development Regulations may be required to reimburse the City for any expenses incurred, whether administrative or legal, prosecuting the violation.

- C. The City may pursue all remedies allowed under law for violations of these Land Development Regulations including, without limitation, seeking an injunction, filing a mandamus action, revoking building permits, denying certificates of occupancy, and bringing an action to vacate or remove an unlawful building or structure.
- D. The sale of land involving a Plat of Subdivision that has not been approved pursuant to these Land Development Regulations is a Class C misdemeanor, and the City may enjoin such a sale by action for injunction.

1.12. SEVERABILITY

If any section, clause, provision, or portion of these Land Development Regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of these regulations which is not of itself invalid or unconstitutional.

1.12. FEES

Upon the filing of an application for any development approval or other process or permit outlined in *Section 1.4 Process, Criteria, and Application* an administrative fee shall accompany said application.

- A. The BOC shall determine and set a schedule of fees to be charged by adopted ordinance.
- B. These fees shall cover the costs incurred by the City in processing development approval or permit applications, and includes such expenses as plan review by staff, recording secretarial services, engineering and other professional and technical consultant services, legal fees, provision of notice, and document recordation.
- C. All fees are non-refundable and shall be collected at the time of application.

1.13. COMPREHENSIVE PLAN

- A. **Plan adopted.** The Comprehensive Plan of the City of Lakeland was adopted per Ordinance No. 5885 and may be amended by the BOC.
- B. **Purpose.** It is the purpose of the Comprehensive Plan to provide the general policy guidance to the city and the general public in furthering the development and/or redevelopment of the city in a sound and coordinated manner.
- C. **Interpretation.** The adopted Comprehensive Plan is to be construed as the general policy of the city. When necessary and appropriate, the City shall interpret the intended meaning of the document.

- D. **Impact on other ordinances.** This document shall not affect, repeal or limit any existing city ordinances. If any existing ordinance is found to conflict with any policy of this document, the City shall take appropriate action to remove such conflict by either modifying the conflicting ordinance or amending this document as appropriate to eliminate such conflict. No new ordinance shall be adopted which shall conflict or contradict the policy direction of this document without first amending the appropriate section, as provided by law.



2. DEFINITIONS

2.1. RULES FOR CONSTRUCTION OF LANGUAGE

- A. In the construction of these Land Development Regulations, the rules and definitions set forth shall be observed and applied, except when the context clearly indicates otherwise.
 - 1. Numbers, abbreviations, terms, and words used in these Land Development Regulations shall have the meanings provided in this Section.
 - 2. The graphics, tables, and text used throughout these Land Development Regulations are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.
 - 3. Unless the context clearly indicates to the contrary.
 - 4. Words used in the present tense include

2. Definitions	14
2.1. Rules For Construction of Language.....	14
2.2. Definitions.....	16

the future tense.

5. Words used in the singular number include the plural; and words used in the plural number include the singular.
6. The words “these Land Development Regulations” or “these regulations” shall mean “the illustrations, text, tables, maps, and schedules included in these regulations or any amendments to these regulations.”
7. Regarding actions taken via City review and approval processes in these regulations by Boards, Commissions, or City staff, “shall approve”, “shall recommend”, and similar language means that for approval to occur, these actions must be taken. Generally, Boards, Commissions, and Staff may take other appropriate action as described in these regulations and/or Tennessee law, such as disapproving, recommending disapproval, or postponing action. Occurrences of the word “shall” is always mandatory and not discretionary in other instances herein. The word “may” is permissive herein.
8. The word “person” includes individuals, firms, corporations, and other similar entities.
9. Lists of examples prefaced by “including the following,” “such as,” or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar and non-mentioned examples by the Code Administrator.
10. The word “building” or “structure” includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
11. The “City” is the City of Lakeland in the county of Shelby, State of Tennessee.
 - (1) All public officials, bodies, and agencies to which reference is made are those of the City of Lakeland, Tennessee, unless otherwise defined.
 - (2) The “MPC” refers to the City of Lakeland Municipal Planning Commission, unless otherwise defined.
 - (3) The “BOC” refers to the City of Lakeland Board of Commissioners, unless otherwise defined.
 - (4) The “BOA” refers to the City of Lakeland Board of Appeals, unless otherwise defined.
 - (5) The “DRC” refers to the City of Lakeland Design Review Committee, unless otherwise defined.

(6) Other agencies include but are not limited to Memphis Light, Gas, & Water (MLGW), Tennessee Department of Environment and Conservation (TDEC), Tennessee Department of Transportation, Tennessee Division of Water Supply, Tennessee Department of Agriculture, the Shelby County Health Department, the Shelby County Fire Department, Lakeland School System, and the Shelby County Register of Deeds.

12. Except where definitions are specifically included in various Articles and Sections, words in the text or tables of these Land Development Regulations shall be interpreted in accordance with the provisions set forth in this Section. Where words have not been defined, the standard dictionary definition shall prevail. In any case, the Code Administrator shall have the right to interpret the definition of any word.

2.2. DEFINITIONS

- A. Words capitalized throughout these Land Development Regulations are defined below or defined within the Section in which they occur.
- B. Definitions for all Uses can be found in *Section II.2 Uses*.
- C. The following definitions are alphabetized based on the root word.
 - 1. **Access Point.** Vehicular access into a Subdivision. Measured in terms of the number of Access Points around the perimeter of a Subdivision.
 - 2. **Accessory dwelling unit (ADU).** Means a habitable living unit that provides the basic requirement of shelter, heating, cooking, and sanitation.
 - 3. **Adjustments, Minor.** Changes or revisions to an approved Preliminary Plat, Final Plat, or site plan that can be approved by the Code Administrator and include changes that do not alter the intent and purpose of the approved Plat or plan and that do not result in a violation of any standard or requirement of these Land Development Regulations.
 - 4. **Adjustments, Major.** Changes or revisions to an approved Preliminary Plat or site plan that do not qualify as Minor Adjustments and require approval of the MPC.
 - 5. **Aggrieved Party.** A Property Owner or Applicant of the property in question, or a Property Owner or Applicant with a direct interest in the property, issue, or grievance.
 - 6. **Agricultural Services.** Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.
 - 7. **Agriculture.** As defined by Tennessee Code Annotated §43- 1-113.

8. **Agriculture Equipment, Service, and Supply.** A business involving the sales and/or rental of agricultural supplies, accessories, or services including, but not limited to: Agricultural Services, Soil Preparation, and Veterinarian (including domestic and livestock).
9. **Alternative Financial Services.** These businesses include financial services other than banks and savings & loans. (Ordinance 17-256, 11/9/2017)
10. **Ammunition.** Ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any Firearm, and any component thereof, but shall not include blank cartridges or Ammunition that can be used solely in an “antique Firearm” as that term is defined in Section 921 of Title 18 of the United States Code.
11. **Animal.** All non-human members of the Animal kingdom, including domestic and livestock species.
12. **Animal Boarding.** A business involving the temporary or permanent care, breeding, or training of horses or other domestic Animals; the facility may include both indoor and outdoor spaces and includes such Uses as, but not limited to: Horse Farm, Boarding, Lessons, and Kennel.
13. **Applicant.** The Owner of a subject property on which a land development application is being made, or the Owners’ authorized representative.
14. **Applicant’s Property.** All the Parcels or Lots included in an Applicant’s land development application.
15. **Complete Application.** An application for a land development process (*Section 1.4 Processes, Criteria, and Application*) shall be considered complete when the Code Administrator has verified that all submittal requirements have been satisfied. An application shall not be docketed for review by any office, commission, or review body until it is deemed complete. Area of Special Flood Hazard. See Flood Hazard, Area of Special.
16. **Assembly.** A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Assembly includes such Uses as a community center, house of worship, and private clubs and lodges.
17. **Assisted Living Facility (ALF).** Any facility, building, establishment, complex or distinct part thereof, which undertakes through its ownership or management to provide room and board and one or more personal services for a period exceeding 24 hours to one or more adults. May also include hospice services, providing

continuing care for the terminally ill and their families. See Tennessee Code Annotated § 68-11-201.4.

18. **Balcony.** A platform enclosed with a parapet or railing that projects from the exterior wall of a building; it is suspended or cantilevered from or supported solely by the Principal Structure or a porch Base Type. Refer to *Section II.1 Zoning Regulations* for specific regulations.
19. **Basement.** The portion of a building having its floor below ground level on all sides.
20. **Bed and Breakfast.** An owner-occupied or manager-occupied residential structure providing rooms for overnight lodging, or lodging and meals, including no more than five (5) rooms.
21. **Block.** The aggregate of Lots, passages, lanes, and Alleys bounded on all sides by vehicular Rights-of-Way.
22. **Block Length.** A Block measurement that is the horizontal distance along the Front Property Lines of the Lots comprising the Block.
23. **Building Code.** Latest edition of the International Building Code (IBC), International Residential Codes (IRC), and International Existing Building Codes (IEBC) as amended and adopted by Shelby County.
24. **Build-to Zone (BTZ).** An area in which the front or corner side Facade of a building shall be placed; it may or may not be located directly adjacent to a Property Line. The zone dictates the minimum and maximum distance a structure may be placed from a Property Line. Parking, or other areas of Impervious Surfaces, except for access for vehicles and pedestrians, are not permitted within the Build-to Zone, unless specifically stated in these Land Development Regulations.
25. **Building, Principal.** Any structure used or intended for supporting or sheltering any use or occupancy and which has an impervious roof and walls for fifty (50) percent or more of its perimeter. (Also see building within definition for Structure, Principal).
26. **Building Type.** A structure defined by a specific combination of configuration on the site, form, facade design, and Use. Refer to *Section II.1 Zoning Regulations* for more information.
27. **Caliper.** Measurement and notation for the diameter of new trees, measured in inches at six (6) inches above mean grade of the trunk for trees less than four (4) inches Caliper and measured at twelve (12) inches above mean grade of the trunk for larger trees.
28. **Cast Stone.** Concrete. An acceptable, natural architectural material of precast

concrete manufactured offsite to look like natural cut stone, typically used for trim, ornamentation, often custom made.

29. **CBD Store.** See “Smoke Shop.”

30. **Cemetery.** Land dedicated for the internment of human or Animal remains or cremated remains. Chapels, mausoleums, caretaker facilities, and other Accessory Structures may be developed with a Cemetery, if operated about and within the boundaries of the Cemetery.

31. **Certificate of Completion.** An administrative approval for certain items indicated in the regulations that does not pertain to occupancy, such as for seasonal landscaping, accessory structures, etc.

32. **Child Care.** A licensed facility that provides for the care of children under seventeen (17) years of age for twelve (12) hours or less per day without a transfer of custody.

33. **Cluster Development.** Also referred to as “Cluster Subdivisions”. A type of subdivision that permits residential uses to be located on lots of a reduced size and width than required in conventional subdivisions for the preservation and conservation of common open space.

34. **Code Administrator.** The City Manager, or a City employee designated by the City Manager, responsible for the primary administration of these Land Development Regulations.

35. **Commercial Equipment and Supply.** A Retail use involving the large-scale sale of goods marketed primarily to commercial or industrial businesses, but available to the public. This Use may include bulk sales, outdoor storage, and frequent commercial vehicle and consumer traffic. Commercial Equipment and Supply include such Uses as: Building Materials, Hardware, and Garden Supply, Heating and Plumbing Sales and Service, Cabinet Supply (display only), and Machine Sales and Rental.

36. **Common Improvements.** Common Improvements include certain improvements to the Applicant’s Property intended for use and aesthetics for the entire development. Common Improvements are not subject to City acceptance but are required to be reviewed in parallel with Public Improvements at the time that acceptance of Public Improvements is proposed.

37. **Condominium.** An ownership arrangement in which the buyer purchases only a dwelling unit and does not receive the title to any real property. This term may apply to apartments or townhouses. Also, a building, or group of buildings, in which

units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

38. **Conservation.** Use of land, publicly or privately managed, that preserves natural open spaces. These spaces may or may not be legally protected as conservation areas within the Conservation Zoning District.
39. **Corner Store.** A small retail space and Use intended to provide neighborhoods within a walkable or bikeable distance with goods typically needed on a regular basis.
40. **Coverage, Building.** The percentage of a Lot developed with a building(s), both Principal and Accessory.
41. **Coverage, Impervious Site.** Referred to as "Lot Coverage". The percentage of a Lot developed with buildings and other Impervious Surfaces, such as driveways, sidewalks, or patios.
42. **Courtyard.** An outdoor area enclosed by a building on at least two (2) sides that is open to the sky.
43. **Craftsman Use.** A Use that involves the small-scale production or assemblage of goods resulting in little to no by-products, non-noxious or noxious. It includes a showroom or retail store to showcase or sell the goods produced on-site. Craftsman Uses include, but shall not be limited to, such Uses as: Bakery, Commercial; Ceramic Tile, Floor, and Wall; Construction - Special Trade Contractors; Furniture and Fixtures; Leather Products; Metal Shop; Miscellaneous Repair; Pottery and Related Products; Recording, Sound, or Film Studio; Sign and Letter Shop; Taxidermy; and Textile Mill Products.
44. **Critical Root Zone.** The circular area of soil and roots with a radius as measured from the trunk of one and one-half (1 1/2) feet for Landmark Trees, one (1) foot for Specimen Trees, and one half (1/2) foot for all other trees for every inch of the tree's Diameter Breast Height (DBH)).
45. **Cultural Facility.** A publicly accessed structure housing educational, cultural, scientific, artistic, or historic information, resources, and exhibits, which shall include but not be limited to museums and libraries.
46. **Cut.** An alteration or excavation of the slope of native soils material resulting in a new face or slope.
47. **Dedication.** The intentional appropriation of land and/or public improvements by the Owner to the City for public Use and/or ownership.
48. **Developable Area.** That part of the Lot Area that may be developed or improved;

it is the Lot Area exclusive of Streamside Management Buffers, Scenic Corridor Buffers, and dedicated City Park or Greenway land.

49. **Diameter Breast Height (DBH).** Measurement and notation for the diameter of existing trees, measured in inches at four and a half (4 1/2) feet above the mean grade of the tree's trunk.
50. **Drop-Off Drive.** A driveway with two Access Points off adjacent streets, either off the Front and/or Corner Side Property Line. The drive is "C" or "L" shaped and includes a Landscape Area between the drive and the public sidewalk.
51. **Dwelling Unit.** A room or rooms connected, constituting a separate independent housekeeping establishment for a Family only, for Owner occupancy, rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or Dwelling Units, and containing independent cooking and sleeping facilities.
52. **Easement.** A legal interest in land, granted by the Owner to another person or entity, which allows that person(s) the Use of all or a portion of the Owner's land, generally for a stated purpose including but not limited to access, landscape buffers, or placement of utilities.
53. **Easement, Public Use.** An Easement established for public access or use, such as for a trail or sidewalk.
54. **Eave.** The edge of a pitched roof; it typically overhangs beyond the side of the building.
55. **Exempt Division.** A division of land, without undergoing Preliminary Plat approval, resulting in no more than two (2) lots, each greater than five (5) acres, which do not require improvements to develop, such as new streets or utilities, nor will they likely necessitate such improvements in the future.
56. **Expression Line.** An architectural feature. A decorative, three dimensional, linear elements, horizontal or vertical, protruding or indented at least two (2) inches from the exterior Facade of a building, often used to delineate the floors or stories of a building.
57. **Event Facility.** A facility regularly available for rental by an individual, group, or business for meetings, conferences, seminars, and lectures.
58. **Facade.** The exterior face of a building, including, but not limited to the wall, windows, windowsills, doorways, and design elements such as Expression Lines. The front Facade is any building face adjacent to the Front Property Line.
59. **Family.**

- (1) An individual or two (2) or more persons related by blood, marriage, or adoption, maintaining a common household in a Dwelling Unit.
 - (2) A group of not more than five (5) persons who are not related by blood, marriage, or adoption, living together as a common household in a Dwelling Unit.
 - (3) Pursuant to Tennessee State Code §13-24-101 et seq., a residence in which up to eight (8) unrelated persons with disabilities reside, and may include three (3) additional personas acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities residing in the home, provided that such a home is not operated on a commercial basis. The term “persons with disabilities” excludes persons who due to a mental illness pose a likelihood of serious harm as defined by Tennessee State Code §33-6-501 or who have been convicted of serious criminal conduct related to their illness.
60. **Farming.** A Use of land involving the raising and caring for crops or livestock for selling or distributing food or food by-products to distribution facilities, including the associated facilities or structures for growing, harvesting, storing, and housing livestock, crops, and other materials. Farming includes such Uses as: Farm, Livestock, Nursery, Orchard, and Winery.
61. **Fiber Cement Board.** An acceptable, exterior grade natural siding panel material consisting of Portland cement mixed with ground sand, wood cellulose fibers, and other additives, typically textured to look like stucco, wood clapboards, or cedar shingles.
62. **Fill.** The placement of soils material to achieve a new ground surface.
63. **Firearm.** Any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of explosion or other means of combustion, provided that the term “Firearm” shall not include an “Antique Firearm” as defined in Section 921 of Title 18 of the United States Code.
64. **Firearms Dealer.** A retail use involving the sale of Firearms or Ammunition and occupying a space no greater than 10,000 square feet.
65. **Flex Facility.** Any building or space which allows a flexible range of office, warehouse, research, and development uses. Flex buildings allow for a combination of offices, wholesale, and light manufacturing with proportions of each use subject to the needs of a user.

66. **Flex Loans.** Any building, room, space or portion thereof where a written agreement providing open-end credit, either unsecured or secured by personal property, in which repeated non-commercial loans for personal, family or household purposes is contemplated, as regulated by Tennessee Code Annotated §45-12-102.
67. **Flood Hazard, Area of Special.** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, defined by *Section II.3.2 Floodplain Overlay District*.
68. **Floodway.** The channel of the river or other water course and the adjacent land area that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, defined by Federal Emergency Management Agency (FEMA). Refer to *Section II.3.2 Floodplain Overlay District*.
69. **Grade, Finished.** The average level of the finished surface of the Ground Story, adjacent to the exterior walls of a building.
70. **Gross Building Area.** Referred to as “Gross Floor Area.” The sum of all areas of a building, including accessory storage areas or closets within sales or working spaces and any basement floor area used for such activities as retail, the production or processing of goods, or business offices. Floor area shall not include attic space having headroom of seven (7) feet or less and areas devoted primarily to storage, off-street parking and loading areas, enclosed porches, roof decks, roof gardens, or basement floor area other than specified above. Measurement is typically provided in square feet.
71. **Gross Floor Area.** See “Gross Building Area”.
72. **Half Street.** Development of a portion of the street pavement and Right-of-Way from the Centerline to one curb, longitudinally. Refer to *Section IV.1.4(C)(2) Half Streets*.
73. **Historic Building/Historic Site.** The location of a significant event or historic occupation or activity, where the location maintains a historical or archeological value to the City of Lakeland. An historic building is defined as a building or structure that is:
- (1) Individually listed in the National Register of Historic Places; or
 - (2) A contributing property in a National Register of Historic Places listed district; or
 - (3) Designated as historic property under an official municipal, county, special

district or state designation, law, ordinance or resolution either individually or as a contributing property in a district; or

- (4) Determining eligible by the Tennessee State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.

74. **Historic Color Palette.** Any paint manufacturers' palette of colors labeled as referencing historic architectural styles, prior to 1930. For example, Valspar color charts contain the 250 hues identified at National Trust for Historic Preservation sites and Benjamin Moore's Historic Paint line or Pratt & Lambert Williamsburg palette are considered historic.

75. **Home Occupation.** A permitted occupational Use that is clearly subordinate to the Lot's Principal Use as a residence and does not require any alteration to the exterior of a building or its appearance.

76. **Horizontal Site Distance.** See "Site Triangle."

77. **Hospice.** A residential facility providing palliative and supportive medical and health services to meet the needs of the terminally ill and their families in a residential setting.

78. **Hospital.** A licensed institution providing medical care and health services to the community. These services may be in one (1) building or clustered in several buildings and typically include laboratories, in- and out-patient facilities, training facilities, medical offices, staff residences, food service, and gift shop.

79. **Hotel.** A facility offering temporary lodging consisting of sleeping rooms with or without in-room kitchen facilities to the public. Secondary service Uses may also be provided, such as restaurants, meeting rooms, entertainment, and recreational facilities.

80. **Impervious Surface.** Any hard-surfaced, man-made area that does not absorb or retain water, including but not limited to building roofs, sidewalks, parking, driveways, and other paved areas.

81. **Independent Living Facility (ILF).** A residential facility that may provide meals, housekeeping services, and social activities for the entertainment of its residents but does not provide any nursing or medical care. See Tennessee Code Annotated § 68-11-201(29).

82. **Lakeland Heritage Plant.** Any plant whose Coefficient of Conservatism is four (4) or greater. Coefficient of Conservatism is defined as representing an estimated probability that a plant is likely to occur in a landscape relatively unaltered from

what is believed to be pre-European settlement condition.

83. **Landscape Area.** Area on a lot not dedicated to a structure, sidewalk or pedestrian pathway, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping.
84. **Landscape Area, Natural.** Area of a lot designated for a natural landscape system in lieu of ornamental landscape. Ornamental landscapes include but are not limited to turf grass and ornamental planted beds, whether planted with native or non-native plant material. Refer to *Section III.3.5 Natural Landscape Areas* for specific information.
85. **Liquor Store.** A retail use that sells alcoholic beverages solely for off-premises consumption and regulated pursuant to Tennessee Code Annotated Title 57. For the purposes of this definition, alcoholic beverage means any beverage that contains more than five (5) percent alcohol content by weight as defined in Tennessee Code Annotated.
86. **Lot.** Referred to as Parcel. A plot of land intended to be separately owned, developed, or otherwise used as a unit.
87. **Lot, Corner.** A Parcel of land abutting two (2) vehicular Rights-of-Way, other than an Alley, at their intersection.
88. **Lot, Double Frontage.** See Lot, Through.
89. **Lot, Flag.** A Lot that only has access to the adjacent vehicular Right-of-Way through a narrow strip of land.
90. **Lot, Interior.** A Parcel of land abutting a vehicular Right-of- Way along one (1) Property Line; surrounding by Lots on the remaining Property Lines.
91. **Lot, Through.** Also referred to as a “Double Frontage Lot”; a Lot having frontage on two (2) approximately parallel vehicular Rights-of-Way, other than an Alley.
92. **Lot Area.** The computed area contained within the Property Lines; it is typically denoted in square feet or acres.
93. **Lot Depth.** The smallest horizontal distance between the Front and Rear Property Lines measured parallel to the Corner Side or Side Property Lines.
94. **Lot Frontage.** The horizontal distance between the Side or the Side and Corner Side Property Lines, measured at the Front Property Line.
95. **Lot Line.** See “Property Line”.
96. **Lot Width.** The horizontal distance between the Corner Side or Corner Side and Side Property Lines measured at the front of the Build-to Zone or at the Front Setback.

97. **Manufactured Home.** A structure complying with the National Manufactured Home Construction and Safety Standards Act of 1974 that is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width, or forty (40) feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.
98. **Mixed Use.** A building that contains more than one (1) Use; the multiple uses are located “vertically” or in different floors or stories of the building.
99. **Modular Home.** A factory built, single family structure that is transportable in one or more sections, but is not constructed on a permanent chassis or with a permanent hitch. For the purposes of these Land Development Regulations, Modular Homes are considered single family homes.
100. **Motel.** See “Hotel.”
101. **Natural Resource Harvesting and Management.** A use of land for the growing and harvesting of natural resources, such as timber, which involves low-impact harvest activity and long-range cultivation and management plans.
102. **Node.** A consolidated cluster of Mixed Use, commercial, and/or office development that serves the adjacent neighborhoods.
103. **Nonconformance.** A structure, Use, or other site characteristic that was legally constructed or operated prior to the adoption of or amendment to these Land Development Regulations, but that cannot be constructed or operated after adoption or amendment. Refer to *Section 1.8 Nonconformance*.
104. **Nursing Home.** As defined by Tennessee Code Annotated §68-11-201(30).
105. **Opaque.** Not clear or translucent, not allowing light to show through.
106. **Open Boundary.** The perimeter of a Parcel(s) being subdivided, available for present or future Access Points, with no limitations due to natural features (City Waterways, steep grades) or jurisdictional boundaries (City limits) or existing neighborhoods with no available Access Points.
107. **Open Space.** A category of uses for land utilized for active or passive, public or private, outdoor recreation, education, or entertainment, including associated support Uses such as parking, spectator facilities, or food and beverage service. Open Space Uses may also be utilized to host temporary private or community events, such as a farmer’s market or art fair.

108. **Open Water.** A pond, lake, reservoir, or other body of water feature with the water surface fully exposed, that may be man-made or naturally occurring.
109. **Outdoor Entertainment.** Uses that offer commercial, primarily outdoor entertainment and recreation opportunities. Outdoor Entertainment includes such uses as: Batting Cage, Go-Carts, Mini-Golf, and Skating Rink.
110. **Outdoor Sales Lot.** A permanent retail use that is secondary and accessory to the principal use where a significant portion of the goods are stored or displayed outdoors. Outdoor Sales Lots include such uses as: Automobile and Truck Sales; Automobile, Truck, and Trailer Rental; Boat and Recreational Vehicle Sales and Rental; and Garden Center or Nursery.
111. **Owner.** The legal or beneficial Owner of all the land included within the application pursuant to these Land Development Regulations, or the holder of a written option or contract to purchase the land subject to the application.
112. **Parcel.** See “Lot.”
113. **Parking Lot.** A lot that is solely used for the temporary parking of vehicles.
114. **Pedestrianway.** A pathway designed and dedicated for use by pedestrians or bicyclists, typically not aligned with a street Right-of-Way.
115. **Pervious Surface.** Referred to as “Permeable Surface.” A material that allows for the absorption of water into the ground or plant material.
116. **Planting Zone.** That portion of the street Right-of-Way typically within residential areas, between the walkway and the back of curb, reserved for street trees and other plantings.
117. **Plat.** A map or chart of a Subdivision of land. Creating a Plat typically has four (4) stages, Pre-application Conference, approval of the Preliminary Plat, Construction Plans, and Final Plat.
118. **Porte-cochere.** A permanent roofed structure attached to a dwelling to accommodate the passage of a vehicle, which is open on at least two sides, directly attached to a principal building and enclosed on one side by the wall of the principal building and is in the side or rear yard.
119. **Post Office.** A publicly accessed facility for the collection and distribution of mail and packages and the selling of supplies and mail related products.
120. **Production and Assemblage Uses.** A Use that assembles goods from finished products that may result in noise and other non-noxious by-products. This shall include but not be limited to: Apparel, Beverage Production and Bottling, Electrical Equipment, Appliances, and Instruments, Fabricated Metal Products

and Machinery, Printing, Publishing, and Allied Industries, Tool and Die Shop, and Vehicle Assembly and Testing.

121. **Property Line.** Referred to as “Lot Line.” A boundary line of a Parcel of land or Lot.
122. **Property Line, Corner Side.** Referred to as the “Corner Lot Line.” A boundary of a lot that is approximately perpendicular to the Front Lot Line and is directly adjacent to a public Right-of-Way, other than an Alley.
123. **Property Line, Front.** Referred to as the front Lot Line. The boundary abutting a Right-of-Way, other than an Alley, from which the required Setback or Build-to Zone is measured. On Corner Lots, this line is typically the narrower of the two (2) Lot Lines along the vehicular Right- of-Way.
124. **Property Line, Side.** Referred to as the “Interior Side Lot Line”. The boundary of a lot that is approximately perpendicular to the front Lot Line and is not adjacent to a vehicular Right-of-Way; this line separates lots from one another.
125. **Property Line, Rear.** Referred to as the rear Lot Line. The boundary of a Lot that is approximately parallel to the front Lot Line; this line separates Lots from one another or separates a Lot from an Alley.
126. **Protection Zone.** An area on a lot that during site development or construction shall not be disturbed with development activities, such as grading.
127. **Public Improvements.** Public Improvements include all improvements to the Applicant’s Property located within rights-of-way typically intended to be dedicated to the City, within public or private utility Easements, or on Parcels intended to be dedicated to the City. Public Improvements are subject to the City acceptance process.
128. **Public Parking Facilities.** A parking facility that has at least seventy-five (75) percent of its spaces open to the public, is not associated with a certain use(s) and may or may not be free of charge.
129. **Public Safety.** A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included.
130. **Public Tree.** A tree that is located on lands for which the City has responsibility and authority for tree management.
131. **Recreational Vehicle Park.** A development under single ownership divided into lots or spaces designed specifically to allow temporary living accommodations for recreation, camping, or travel use.

132. **Regulations, Subdivision.** Per Tennessee Code Annotated §13-4-301, all the terms and provisions of these Land Development Regulations relating to the Subdivision of land and planning, development, provision of all categories of open space and other common elements, and development and maintenance of Public Improvements.
133. **Regulations, Zoning.** All the terms and provisions of these Land Development Regulations other than the Engineering Standards.
134. **Research and Development.** A use involving the research and/or development of innovative ideas or products in technically intensive fields, including limited on-site manufacturing and laboratory facilities.
135. **Retail.** A use that involves the selling of goods or merchandise to the public for personal or household consumption.
136. **Retaining Wall.** A manmade structure built out of rock, concrete, block, wood, or other similar material and used to either directly support retained material or to serve as a facing of a cut slope. This definition includes, but is not limited to, other systems designed to retain earth or other materials such as a geosynthetic-reinforced soil system or pre-engineered structures.
137. **Right-of-Way.** Land dedicated or used for a Street Type, trail, utility, or other public purposes.
138. **Scale.** Refers to the relative size of a building, street, sign, or other element in the built environment.
139. **Semi-Pervious Surface.** Referred to as “Semi-Permeable”. A material that allows for at least fifteen (15) percent absorption of water into the ground or plant material, such as pervious asphalt, pervious concrete, permeable pavers or a Green Roof.
140. **Service.** A category of uses that provide patrons services and limited retail products related to those services. Visibility and accessibility are important to these uses, as most customers do not utilize scheduled appointments.
141. **Sexually Oriented Business.** A business use that includes an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, and sexual encounter center. Refer to Sexually Oriented Businesses Title 9, Chapter 5 of the Municipal Code for standards.
142. **Scenic Corridor Buffer.** A required buffer adjacent to certain Street Types to be maintained in its natural landscape state to preserve the character of the street.

Refer to *Section IV.1 Street Type Standards*.

143. **Shared Parking.** A parking facility which serves uses or destinations within walking distance.
144. **Shooting and Archery Range.** An establishment offering training facilities and space for target practice with Firearms and bow and arrows. This Use also includes paintball fields. The facility may or may not include an indoor range and/or be associated with a private club.
145. **Shopping Center.** Two or more uses planned, developed and managed as a unit and related in location, size and type of shop to the needs of the trade area, which is being serviced, also to include all out parcels.
146. **Site.** A lot, tract or parcel of land considered as one land- unit for purposes of this Ordinance. For a single-family residence, the site shall be the subdivided lot on which it is located. For multifamily projects, the site shall be all land occupied by the buildings in the project and adjoining such property and under common ownership with it. For vacant land, the site shall be all of the adjoining vacant land under single ownership. For single-occupancy, non-residential properties, the site shall be the subdivided lot that is occupied. For multiple-occupancy properties, the site shall be all land included under the original site plan or subdivision plan approved by the City of Lakeland.
147. **Site Plan.** A scaled graphic schematic of a development site indicating the location of buildings, walkways, signage, lighting, parking, drainage facilities, topography and landscaping, as they are to appear upon the completion of development. Site plans may be required to contain such other information as may be deemed necessary by the Design Review Commission to insure proper development of the site.
148. **Site Triangle.** The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.
149. **Smoke Shop.** A retail store that derives its largest category of sales from tobacco, nicotine, inhaled smoke or vape products and/or CBD products including accessories.
150. **Solar Reflectance Index (SRI).** A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from 0 to 100 and is defined so that a standard black surface is 0 and a

standard white surface is 100. To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI per ASTM E 1980-01 or the latest version.

151. **Specialty Retail.** Small clustered and/or strip center like retail stores of less than 5,000 sf each where the total square footage of the entire cluster and/or strip center is less than 25,000 sf with frontage along at least one road designated as a Collector or higher. Stores in the cluster and/or strip center might include, but not be limited to, jewelry, luggage, china and silverware, crystal, artwork, leather goods, and fine apparel.
152. **Street Frontage.** The distance for which a lot line adjoins a public or private street from one lot line intersecting said street to the furthest lot line intersecting the same street.
153. **Stormwater Best Management Practices (BMP) or Techniques.** Conservation practices or systems of practices and management measures that control soil loss; reduce water quality degradations caused by nutrients, Animal waste, toxins, and sediment; and minimize adverse impacts to surface water and groundwater flow circulation patterns and to chemical, physical, and biological characteristics of wetlands by natural means, including replicating natural systems.
154. **Story, Ground.** Referred to as "Ground Floor." The first floor of a building that is level to or elevated above the Finished Grade on the Front and Corner Side Facades, excluding basements and cellars.
155. **Story, Half.** A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with the Transparency facing the street.
156. **Story, Upper.** Referred to as "Upper Floor." The habitable upper stories of a building, located above the Ground Story.
157. **Street Centerlines.** Measures in miles the length of a line drawn down the middle or center of a vehicular Right-of-Way.
158. **Street Face.** The facade of a building that faces a Right-of- Way. The Front and Corner Side Facades of a building are examples.
159. **Street Termini.** At a three-way or "T" intersection, it is the location where one (1) street terminates at the other street.
160. **Street Type.** The permitted and regulated types of streets in these Land Development Regulations. Refer to Section IV.1 *Street Type Standards*.

161. **Structure, Accessory.** The general term for a subordinate structure detached from but located on the same Lot as the Principal Structure; it may or may not be an enclosed or inhabitable structure and includes such structures as, accessory buildings (garages and sheds), gazebos, swimming pools, and antennae or satellite dishes. Refer to *Section II.2.3 Accessory Uses and Structures*.
162. **Structure, Principal.** Referred to as a Principal Building on a Lot; contains the dominant Use of the Lot and typically located toward the front of the Lot in the front Build-to Zone or behind the Front Yard Setback.
163. **Subdivision.** The division of a Parcel or multiple Parcels of land into two (2) or more lots of less than five (5) acres for immediate or future development that require improvements to develop, now or in the future, such as a new street or utility construction. Other divisions, regardless of the size of the resulting lots, which require Public Improvements are also considered a Subdivision.
164. **Supermajority.** Greater than the simple majority, as in four of the five Commissioners represent the Supermajority.
165. **Swale.** A low lying, naturally planted area with gradual slopes that facilitate the transport, absorption, and/or filtration of stormwater.
166. **Temporary Building.** Temporary structure associated with a Subdivision or construction project, used to house offices associated with construction and/or sales and marketing for the development.
167. **Through Street.** A street that is continuous through a neighborhood or a series of neighborhoods, connecting a major road (Major Collector, Scenic Corridor) to another major road.
168. **Timber Harvest.** The cutting and removal of timber products from forested lands which usually includes felling and bucking trees, skidding bucked and tree length logs, and loading logs at landings.
169. **Timber Harvesting Plan.** A plan submitted to the City that provides information on landowner, timber owner, timber operator, specific management practices and objectives, reforestation techniques, and other supporting information needed to demonstrate that a timber harvest operation will follow best management practices as set forth by the Tennessee Department of Agriculture, Division of Forestry.
170. **Total Open Space.** The total land area comprising all open spaces that are Categories of Open Space, per the *Section III.2 Open Space Type Standards*, which are to be set aside on the site.

171. **Traditional Neighborhood Design.** A complete neighborhood including a range of housing types, a network of well-connected walkable streets and blocks, public spaces, and amenities such as stores, schools, and places of worship within walking distance of residences.
172. **Translucent.** The property of a material to allow the passage of some light through it without being transparent.
173. **Transparency.** The level of highly transparent, low reflectance glass in the windows and doors of a building, allowing viewing into and out of the building.
174. **Tree, Landmark.** A tree which qualifies, per an arborist, forester, or other qualified professional, for special consideration for preservation due to size, type, and health as defined in the *Section III.3.16 Tree Preservation and Management*.
175. **Tree, Specimen.** A tree which qualifies, per an arborist, forester, or other qualified professional, for special consideration for preservation due to size, type, and health as defined in *Section III.3.16 Tree Preservation and Management*.
176. **Tree Canopy.** The uppermost area of spreading branches and leaves of a tree.
177. **Tree Canopy Coverage.** The area of ground covered or shaded by a Tree's Canopy, measured in square feet.
178. **Tree Stand.** A grouping of trees of sufficiently uniform species, age, and condition to be considered a homogeneous unit for management purposes.
179. **Tree Well.** An opening in pavement for tree planting, sometimes, but not always, covered by a tree grate.
180. **Unified Development.** Development submitted and approved containing two (2) or more parcels, units, or uses, which has a master plan for common utilization of the infrastructure system. Said infrastructure system shall contain (but is not limited to) parking, stormwater retention, access, wastewater/water support facilities, open space/impervious area requirements and signage.
181. **Unified Stormwater Sizing Criteria.** A unified approach for sizing stormwater management practices, which addresses groundwater recharge, water quality treatment, channel protection, overbank flooding control, and management of large events.
182. **Use.** The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.
183. **Use, Accessory.** A use incidental and subordinate to the Principal Use or Structure and located on the same lot with such Principal Use or Structure.
184. **Use, Conditional.** A use that does not result in an intensity and scale

substantially different from the uses permitted in the District and that may not be appropriate in certain locations based on the potential negative impacts associated with that Use. *Refer to Section I.4.8 Conditional Use Permit.*

185. **Use, Principal.** The specific primary purpose for which a Lot or building is used.
186. **Utility and Infrastructure Use.** Land utilized for the City's infrastructure needs and includes such Uses as: Electric or Gas Services, Sewage Treatment, and Water Treatment and Storage.
187. **Vape Shops.** See "Smoke Shop."
188. **Visible Basement.** A basement where the ceiling is located a minimum of two (2) feet and a maximum of four and half (4 1/2) feet above the finished grade of the front or corner side facade, with transparency visible on street faces.
189. **Warehouse, Packing, and Distribution Uses.** A use requiring significant commercial vehicle access and large-scale storage of goods and vehicles, both indoor and outdoor, typically between production and their placement on the market. This includes such uses as: Contractor - Landscaping and Construction, Packing and Crating, Recycling Center (Collection and Sort), Vehicle Staging and Storage (Ambulance, Bus, Limo, Livery, etc.), Warehousing and Storage, and Wholesale Trade of Goods.
190. **Waterway, City.** In these Land Development Regulations, means any of the following creeks, streams, and lakes within the city limits: Oliver Creek, Clear Creek, Rocky Branch, Scott's Creek, Loosahatchie River, Garner Lake, and Paradise Lake.
191. **Wireless Transmission Facility.** A use of land that includes buildings, cabinets, structures, and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers, and all other buildings and structures relating to low- power mobile voice transmission, data transmission, video transmission and radio transmission, or wireless transmission. Refer to *Section II.2.2.3(V) Wireless Transmission Facilities standards.*
192. **Yard.** The space on a Lot which is unoccupied and unobstructed from the ground to the sky by the Principal Structure.
193. **Yard, Corner Side.** A Yard extending from the corner side building Facade along a Corner Side Property Line between the Front Yard and Rear Property Line.
194. **Yard, Front.** A Yard extending from the front building Façade along the full length of the Front Property Line, between the Side Property Lines or Side and Corner Side Property Lines.

195. **Yard, Rear.** A Yard extending from the rear building Facade along the Rear Property Line between the Side Yards or, on a Corner Lot, the Corner Side and Side Yards.
196. **Yard, Side.** A Yard extending from the side building Façade along a Side Property Line between the Front Yard and Rear Property Line.
197. **Zoning.** The process of specifically delineating an area or district within which uniform development standards govern the placement, spacing, size, and Use of land and buildings.
198. **Zoning District.** A designation given to each Lot within the City that dictates the standards for development on that Lot; the districts are mapped on the Zoning Map. Refer to *Section II.1.1 Zoning Districts*.
199. **Zoning Map.** The official map designating the Zoning District the City has assigned to each Lot within city limits.

3. REVIEW BODIES AND AUTHORITY

3.1. CITY STAFF

The Code Administrator or his/her designees shall perform the following duties:

A. Establish Procedural Rules and Forms.

The Code Administrator shall assist in the management of the Municipal Planning Commission's (MPC) and Design Review Commission's (DRC), Board of Appeals' (BOA), Parks and Recreation Board's (PRB) Natural Resources Board 's (NRB), review of development approvals and permit requests by establishing application procedures and forms.

B. Administrative Approvals. The Code Administrator shall review and approve certain applications (refer to *Section 1.4 Process, Criteria, and Application*).

C. Record Applications. The Code Administrator shall accept, maintain, and keep applications for all processes outlined in

3. Review Bodies and Authority	36
3.1. City Staff	36
3.2. Board of Commissioners (BOC).....	37
3.3. Municipal Planning Commission (MPC)	37
3.4. Board of Appeals (BOA)	38
3.5. Design Review Commission (DRC).....	39
3.6. Parks and Recreation Board (PRB).....	39
3.7. Natural Resources Board (NRB).....	40
3.8. Summary Development Process Table.....	41

Section 1.4 Process, Criteria, and Application.

- D. **Inspections.** The Code Administrator or his/her staff shall be empowered to make inspections of sites or buildings to properly assist the review bodies outlined in this Section and otherwise carry out the enforcement of these Land Development Regulations.
- E. **Interpretation.** The Code Administrator shall render interpretations of these Land Development Regulations, which may be appealed per the provisions in either *Section 1.4.5.1 Subdivision Administrative Appeal* or *Section 1.4.7.4 Zoning Administrative Appeal*, depending on the regulation interpretation being appealed.
- F. **Cancellation of Approvals.** The Code Administrator shall, upon finding any violation of these Land Development Regulations, take or direct all activities necessary and appropriate to abate and redress such violation, such as revocation of permits.

3.2. BOARD OF COMMISSIONERS (BOC)

The Board of Commissioners (BOC) shall have the following powers and authorities in application of the Zoning Regulations, which include parts of *Article I Administration* and *Article II Zoning Regulations* and all of *Article III Development and Design Standards* and *Article IV Engineering Standards* (refer to *Section 1.2 Definitions*).

- A. **Rezoning.** The BOC shall review and approve requests for changes in a Lot's zoning designation.
- B. **Amendment to the Zoning Regulations.** The BOC shall review and approve any proposed amendments.

3.3. MUNICIPAL PLANNING COMMISSION (MPC)

The Municipal Planning Commission (MPC) has the authority and power set forth in these Land Development Regulations pursuant to T.C.A. §13-4-301 through §13-4-309, to promote municipal planning within the City.

- A. **Authority.** The MPC shall have the following powers.
 - 1. **Comprehensive Plan.** The MPC shall make and adopt an official Comprehensive plan for the physical development of the municipality, including any land outside of the planning area of municipality which, the MPC judges to be in relation to the planning of the municipality.
 - 2. **Approval of Certain Improvements.** MPC shall review and approve location and extent of all proposed streets; parks or other public ways, grounds, places, or

spaces; public buildings or structures; or utilities, whether publicly or privately owned.

3. **Subdivision.** MPC shall have the following authorities in application of the Engineering Standards, which include parts of *Article I Administration* and *Article II Zoning Regulations* and *Article IV Engineering Standards* (refer to *Section 1.2 Definitions*).
 - (1) **Subdivision Administrative Appeal.** MPC shall review and approve appeal requests resulting from a decision made by the Code Administrator or other City official.
 - (2) **Subdivision Modification.** MPC shall review and approve applications for modification requests from the strict application of the Engineering Standards.
 - (3) **Amendment to Engineering Standards.** The MPC shall adopt and amend any proposed amendments.
 - (4) **Plat Approval.** MPC shall review and approve Plats, including Plat Vacation.
4. **Zoning.** MPC shall have the following authorities in application of the Zoning Regulations, which include parts of *Article I Administration* and *Article II Zoning Regulations* and all of *Article III Development and Design Standards* (refer to *Section 1.2 Definitions*).
 - (1) **Site Plans.** The MPC shall review and approve certain site plan applications.
 - (2) **Rezoning.** The MPC shall review and make recommendations on requests for changes in a Parcel's Zoning designation.
 - (3) **Amendment to the Zoning Regulations.** The MPC shall review and make recommendations on any proposed amendments.
 - (4) **Conditional Uses.** The MPC shall review and approve applications for Conditional Use Permits.

3.4. BOARD OF APPEALS (BOA)

The Board of Appeals (BOA) has the authority and power set forth in these Land Development Regulations pursuant to T.C.A. §13-7-205 through §13-7-207.

- A. **Authority.** The BOA shall have the following powers and authorities in application of the Zoning Regulations, which include parts of *Article I Administration* and *Article II Zoning Regulations* and all of *Article III Development and Design Standards* and *Article IV Engineering Standards*.

1. **Zoning Variance.** The BOA shall review and approve variance requests from the

strict application of the Zoning Regulations.

2. **Zoning Appeal.** The BOA shall review and approve requests for appeals where the appellant alleges that there is error in any order, requirement, decision or change made by Code Administrator or another City official.
3. **Boundary Interpretation.** The BOA shall be charged with interpretation of the Zoning Map.

3.5. DESIGN REVIEW COMMISSION (DRC)

The Lakeland Design Review Commission (DRC) is a community design and review commission for development having an influence upon the appearance of the environment of the community pursuant to T.C.A. §6-54-133.

- A. **Authority.** The DRC reviews Site Plan and Design Review applications (refer to *Section I.4.6.2 Site Plan Review* and *Section I.4.9 Design Review*) that involve the following issues.
1. Buildings designed per *Section III.1 Architectural Standards* for both new construction and modification of existing non-single-family buildings and their Accessory Structures.
 2. Facade modification of all historic buildings or structures per applicable local, state, and national standards.
 3. Certain fence installation per *Section III.3.15 Fences and Walls*.
 4. All Subdivision entrance treatments.
 5. Signs.
 6. Wireless Transmission Facilities.
 7. All landscape required per *Section III.3 Landscape Standards*.
 8. All lighting per *Section III.6 Site Lighting*.

3.6. PARKS AND RECREATION BOARD (PRB)

The Lakeland Municipal Parks and Recreation Board (PRB) is organized to plan, advise and promote the development of a comprehensive, community-endorsed parks and recreation program under the authority of Lakeland Ordinance 00-07, as amended by Lakeland Ordinance 02- 08.

- A. **Authority.** The PRB reviews Preliminary Plat, Construction Plans, Final Plat, Site Plans for City Projects, and Subdivision Modification applications (refer to *Section I.4.3 Plats*, *Section I.4.4 Construction Plans*, and *Section I.4.5.2 Subdivision Modification*) which create new residential lots or units, or which include City park land or facilities.

(refer to *Section III.2.3 General Open Space Categories and Requirements*).

3.7. NATURAL RESOURCES BOARD (NRB)

The Lakeland Natural Resources Board (NRB) is organized to provide a venue to hear citizen concerns regarding natural resources related issues and to make recommendations or otherwise aid the Board of Commissioners or other Boards regarding these community issues related to natural resources under the authority of Lakeland Ordinance 08-114.

A. **Authority.** The NRB reviews the following pertaining to these Land Development Regulations:

1. Preliminary Plat, site plan, Subdivision Modification applications (refer to *Section I.4.3 Plats*, *Section I.4.4 Construction Plans* and *Section I.4.5.2 Subdivision Modification*) and any other type of plan submission which involves a new or substantially revised Restoration and Management Plan, Dedicated Conservation Open Space, or Tree Bank Contribution.
2. Tree Removal Permit applications (refer to *Section I.4.6.2 Site Plan Review* and *Section I.4.11 Tree Removal Permit*) that involve tree bank contributions (refer to Tree Management Ordinance, Title 13, Chapter 4 of the Municipal Code).

3.8. SUMMARY DEVELOPMENT PROCESS TABLE

Table I.3.1. Summary Development Process Table

SUMMARY DEVELOPMENT PROCESS TABLE						
REVIEW PROCESS	SECTION	REVIEW AND DECISION-MAKING BODIES				
		Code Administrator	Design Review Commission (DRC)	Board of Appeals	Municipal Planning Commission (MPC)	Board of Commissioners (BOC)
LEGISLATIVE PROCESS						
Zoning Regulation Text Amendment	<i>1.4.7.2</i>	R			RR	D
Development Contract	<i>1.5</i>				D	
Zoning Map Amendment (Rezoning)	<i>1.4.7.1</i>	R			RR	D
Planned Development	<i>1.4.12</i>	R			RR	D

SUMMARY DEVELOPMENT PROCESS TABLE						
REVIEW PROCESS	SECTION	REVIEW AND DECISION-MAKING BODIES				
		Code Administrator	Design Review Commission (DRC)	Board of Appeals	Municipal Planning Commission (MPC)	Board of Commissioners (BOC)
QUASI-JUDICIAL PROCESS						
Variance	<i>1.4.7.3</i>	RR		D		
Appeals	<i>1.4.7.4</i>	RR		D		
ADMINISTRATIVE PROCESS						
Construction Plans	<i>1.4.4</i>	D				
Certificate of Compliance	<i>1.4.10</i>	D				
Minor Subdivision Final Plat	<i>1.4.3.3</i>	RR			D	
Major Subdivision Preliminary Plat	<i>1.4.3.2</i>	RR	RR		D	

SUMMARY DEVELOPMENT PROCESS TABLE						
REVIEW PROCESS	SECTION	REVIEW AND DECISION-MAKING BODIES				
		Code Administrator	Design Review Commission (DRC)	Board of Appeals	Municipal Planning Commission (MPC)	Board of Commissioners (BOC)
Major Subdivision Final Plat	<i>1.4.3.3</i>	RR			D	
Minor Site Plan	<i>1.4.6.1</i>	D				
Major Site Plan	<i>1.4.6.2</i>	RR	RR		D	
Conditional Use Permit	<i>1.4.8</i>	R			RR	D
Tree Removal Permit	<i>1.4.11</i>	D*			D**	
KEY: R = REVIEW, RR = REVIEW AND RECOMMEND, D = FINAL DECISION						
*When submitted solely without another application or submitted with a Minor Site Plan or Construction Plan application.						
**When submitted with a Preliminary Plat or Site Plan Review Application.						

[THIS PAGE INTENTIONALLY LEFT BLANK]



1.4

4. PROCESS, CRITERIA, AND APPLICATION

This Section contains the development review procedures on all requests for development as defined and subject to these Land Development Regulations. Other processes as may be required by the City including but not limited to annexation, building permits, or similar are not included within these Regulations. *Section 1.4.2 Preapplication Conference* through *Section 1.4.12 Planned Developments* identify the City's Review Procedures on all requests for development subject to these Land Development Regulations. Each section establishes the required application materials, application process, and review criteria for each procedure type.

4.1. GENERAL STANDARDS AND REQUIREMENTS

4.1.1. PUBLIC HEARING NOTIFICATION REQUIREMENTS

Notification requirements, where required for each procedure type, are listed in the table below. Unless otherwise expressly provided in

4. Process, Criteria, and Application ...	45
4.1. General Standards and Requirements.....	45
4.2. Preapplication Conference.....	51
4.3. Plats.....	53
4.4. Construction Plans.....	68
4.5. Subdivisions.....	73
4.6. Site Plans.....	79
4.7. Zoning.....	88
4.8. Conditional Use Permit	100
4.9. Design Review Commission ...	103
4.10. Certificate of Compliance.....	106
4.11. Tree Removal Permit.....	108
4.12. Planned Developments.....	111

Tennessee Code Annotated or in these Land Development Regulations, notice shall be provided as follows:

Table I.4.1 Procedure Types

Procedure Type	Section Number	Public Hearing	Published Notice	Mailed Notice	Posted Notice
Preliminary Plat	<i>I.4.3.2</i>	Yes	Yes	Yes	Yes
Final Plat	<i>I.4.3.3</i>	No	No	No	No
Site Plan*	<i>I.4.6</i>	Yes	Yes	Yes	Yes
Rezoning	<i>I.4.7.1</i>	Yes	Yes	Yes	Yes
Conditional Use Permit	<i>I.4.8</i>	Yes	Yes	Yes	Yes
Variance	<i>I.4.7.3</i>	Yes	Yes	Yes	Yes
Sketch Plan	<i>I.4.12.6(D)</i>	No	No	No	No
Outline Plan	<i>I.4.12.6(E)</i>	Yes	Yes	Yes	Yes
Preliminary Development Plan (PDP)	<i>I.4.12.6</i>	Yes	Yes	Yes	Yes
Construction Plan	<i>I.4.4</i>	No	No	No	No
Certificate of Compliance	<i>I.4.10</i>	No	No	No	No
Tree Removal Permit	<i>I.4.11</i>	No	No	No	No

**For a Site Plan within a Planned Development district and has adopted Design Standards, no notice is required; for all other Site Plans, notice shall be sent to all property owners sharing a common boundary with the property being included in the Sketch Plan. This shall include any properties adjacent to a common right-of-way (across the street). If a property is adjacent to an existing development with a Homeowners Association (HOA), the HOA shall be notified in lieu of the individual property owner. A copy of said notification shall be provided to the City of Lakeland.*

A. Requirements for Notice by Mail:

1. Each owner of adjoining parcels shall receive notice, including those separated by right-of-way or corporate limit boundary, within 1,000 feet of the parcel in question (200 feet for Variances, PSP and or PDP) and the HOA if located within or adjacent to an established HOA as noted above, or a minimum of 3 owners, whichever is greater. Notice shall also be mailed to the City of Lakeland and any other agency required by the City at the time of the application, including, but not

limited to Memphis Light Gas and Water, Lakeland School District, and Shelby County Fire Department.

2. If any dwelling unit within the required notification areas is part of a property owner's association, the association must also be notified.
3. Where the notification boundaries include a multifamily dwelling with individually owned units (e.g., condominium), each individual unit owner shall be notified.
4. Notice shall be mailed at least 15 days prior to the hearing.
5. The public notice letter shall be sent by United States Postal Service first class mail.
6. The applicant is responsible for all costs associated with printing and mailing public notice letters.
7. The letter must, at a minimum, include the date and time of the hearing, the applicant's name, the project type for the application being made, and contact information for the Planning Department. Additionally, the applicant must enclose a vicinity map showing the location of the proposed project and a copy of the plan being submitted for review. While 8 ½" x 11" paper may be used, the applicant should ensure that all text is clear and legible; larger paper may be used if necessary.

B. Requirements for Notice by Publication

1. The Planning Department shall publish notice at least 15 days prior to the hearing in a newspaper of general circulation.
2. The applicant is responsible for all costs associated with publishing the notice in a newspaper of general circulation.

C. Requirements for Posted Notice on Subject Property

1. Notice shall be constructed on weatherproof material. Notice shall be a minimum of 36" x 36". Notice shall include the project's docket number, which can be obtained from the Planning Department.
2. The sign must clearly indicate that it is a notice of public hearing for a pending development request. The sign must include the hearing date, docket number, and contact information for the Planning Department.
3. Notice shall be posted in a conspicuous location, not less than every 750 feet along each street frontage of the parcel in question.
4. The applicant is responsible for obtaining required sign(s) that meet City standards.
5. The applicant is responsible for all costs associated with purchasing and posting

signs.

6. The applicant shall be responsible for ensuring that the appropriate posted notice is maintained on the property subject to the application until the completion of the public hearing.

D. Additional Requirements and Information

1. Prior to the public hearing, the applicant shall file a notarized affidavit, on a form acceptable to the City of Lakeland, certifying that the required notice has been completed according to the provisions of the Land Development Regulations. The names and addresses and parcel location map of each interested party shall be attached and incorporated with the affidavit.
3. Failure to mail and/or post public notices in the time and manner set forth in the Land Development Regulations will result in the project application being deemed incomplete. The project may be removed from the Planning Commission agenda and/or deferred to a later meeting.

4.1.2 MAJOR AND MINOR MODIFICATIONS

In reaching a decision as to whether or not proposed modifications are to be considered Major or Minor, the Code Administrator shall review the proposed modifications pursuant to the following table. If the modification is not determined to be a Minor Modification, it will be considered a Major Modification and will be approved subject to the requirements in the applicable sections (See *Table I.3.1. Summary Development Process Table*).

Table I.4.2 Major and Minor Modification Standards

Land Development Regulation Standard	Minor Modification	Major Modification
General		
Any modification in a stipulation or condition specifically required by the Board.		✓
Scrivener errors that do not alter the location or boundary of any lot or easement	✓	
Any other modifications that are not specifically set forth in this table as a minor modification		✓
Corrections to the Final Plat to match the applicable Preliminary Plat	✓	
Revising the terms and conditions of the applicable zoning district on the Final Plat	✓	
Site Standards		
A decrease in minimum Lot Area by 20 percent or more		✓
An increase in maximum Lot Coverage by 20 percent or more		✓
An increase in maximum Block Length by 15 percent or more		✓
Moving a side or rear lot line in common with an abutting lot on a Final Plat, so long as the resulting lots and setbacks remain in compliance with the Zoning Ordinance	✓	
A decrease in minimum Front, Side, or Rear Setback by 15 percent or more		✓
An increase in maximum permitted Encroachment Into Setback by 15 percent or more		✓
A modification to the location of provided open space, provided the applicant demonstrates all applicable Open Space Standards are still met.	✓	
A modification made to the final grade on previously approved and recorded documents of not more than 10 percent.	✓	
On the Final Plat, the combination of 2 lots to create 1 lot that is larger than the original lots being joined, so long as the resulting lot and development otherwise complies with the zoning ordinance and engineering standards, and so long as the lot(s) have not already been combined with any other lot in such a manner.	✓	

Land Development Regulation Standard	Minor Modification	Major Modification
Building Standards		
An increase in maximum Building Height by 20 percent or more		✓
An increase in maximum Accessory Structure Height by 20 percent or more		✓
Development Standards		
An increase over the maximum Number Of Required Parking Spaces by 25 percent or less	✓	
An increase in maximum Lighting Height by 15 percent or more		✓
An increase in maximum permitted sign height by 15 percent or more		✓
A modification to the Minimum Landscape Requirements by 15 percent or more		✓
An alteration of the type of landscaping provided, provided all Landscape Screening requirements are met.	✓	
A modification of the Tree Replacement Schedule wherein no more than 20 inches of tree planting is either added or removed due to changes in tree removal or retention and does not require a revision to Tree Bank contributions.	✓	
On the Final Plat, the enlargement of a recorded non-residential lot to include abutting land that was part of the applicable Preliminary Plat, but which abutting land has not yet been included in a recorded Final Plat	✓	
Access		
A modification in the location of a street or access point by not more than 10 feet, provided the applicant demonstrates that all other applicable requirements are still met.	✓	

4.2. PREAPPLICATION CONFERENCE

4.2.1. INTENT

The purpose of the Preapplication Conference is to afford the Applicant an opportunity to provide Staff with an overview of a potential development project, and to receive informal, non-binding guidance of the City Staff before preparation of formal plans and before making an official application.

4.2.2. ELIGIBLE APPLICANT

An Applicant shall apply in the following circumstances.

- A. A Preapplication Conference is required for Preliminary Plat, Subdivision Modification, Amendment to Engineering Standards, Planned Developments, Site Plan Review, Rezoning, Amendment to Zoning Regulations application, and Conditional Use Permit applications.

4.2.3. APPLICATION

The Applicant shall submit the following to the Planning Director.

- A. **Cover Letter.** Cover letter requesting a preapplication conference with staff and project description.
- B. **Schematic Plan.** The schematic plan shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and shall include the date and north arrow. The plan shall detail the Applicant's proposal and include the following:
 - 1. **Boundaries and Phases.** A map of the entire area scheduled for development and proposed phasing, if applicable.
 - 2. **Vicinity Plan.** Illustrate existing adjacent development within one thousand (1,000) feet, including: Blocks, Lots, existing buildings, Right-of-Way, acreage of Lots, and names of Subdivisions.
 - 3. **Land Use.** Land Use and Zoning designation of the proposed Subdivision and adjacent Parcels within one thousand (1000) feet of the Parcels in question.
 - 4. General layout of proposed streets, Blocks, and Lots.
 - 5. Proposed community improvements, including open space, pedestrian and bike systems, and any other community facilities.
 - 6. Existing conditions, topography, trees, Areas of Special Flood Hazard per *Section II.3.2 Floodplain Overlay District*, and other unique characteristics of the land on and adjacent to the site.

7. **Utilities.** Proposed layout of utilities, both internal and any external extensions required.
8. Map summary of proposed public and private land and facilities.
9. The following may be submitted for Preapplication review by the Code Administrator to assist in preparing for formal application submittal.
 - (1) Street Sections, including any Scenic Corridor Buffers, internal utility locations, on street parking, and Street Types per *Section IV.1 Street Types* as well as classification per the Major Roads Plan.
 - (2) Table keyed to schematic plan of proposed Uses, Building Types, and estimate of Gross Floor Areas.
 - (3) **Natural Features Map.** All areas denoted as low, medium, high, or very high priority on the Conservation Priority Map (available in City Hall).
 - (4) **Compliance Summary.** A summary by Article of how the development complies with Articles I, II, III, and IV of these Regulations.
 - (5) **Soils Summary.** County Soil Conservation Service information summary and plan of soil types.
 - (6) **Traffic Plan.** Plan illustrating traffic generated by all proposed Uses and existing traffic counts and capacities of surrounding streets.
 - (7) **Signage.** Schematic layout and description of general approach to a unified signage scheme.
 - (8) **Fences and Walls.** Schematic layout and types of fences and walls.
 - (9) **Irrigation.** Schematic location of areas to be irrigated, irrigation types, and methodology for reuse of water for irrigation.
 - (10) **Lighting.** Schematic lighting locations and lighting types (cut sheets representative of typical fixture types) for streets, parking and driveways, and other public areas. Refer to *Section III.6 Site Lighting*. Unless deemed not applicable by the Code Administrator, Applicant shall also provide the following information.
 - i. **Engineering Letter.** A letter from a surveyor or engineer concerning the general feasibility of the land for the development proposed, including capacity of utilities and traffic impact to handle proposed project.

4.2.4. APPLICATION PROCESS

The following specific application process shall apply to Preapplication Conference Applicants.

- A. **Submit Complete Application.** Applicant shall submit application, fees, and plans to the Code Administrator, the number of copies sufficient for staff and commissions review as determined by the Code Administrator.
 - 1. Application shall be submitted per the preapplication meeting schedule.
 - 2. The Preapplication Conference shall not be scheduled until all submission requirements have been met and a Complete Application is submitted.
- B. **Distribute Plans to Staff.** The Code Administrator shall distribute the application to staff and relevant agencies for review and comment. The Preapplication Conference shall be delayed if plans are not properly distributed, and comments are not received by the Code Administrator prior to the Preapplication Conference.
- C. **Plan Review.** Staff and applicable agencies shall review the application.
- D. **Meeting.** The Preapplication Conference between the Applicant and City staff shall occur within forty-five (45) days of receipt of the Complete Application.
 - 1. Acceptance of the preapplication plan or Plat does not assure acceptance of future applications.
- E. **Update Commissions.** The Code Administrator shall regularly update the MPC, BOA, DRC, NRB, PRB and BOC on Preapplication Conference items the respective board or commission would act upon.

4.3. PLATS

4.3.1. GENERAL STANDARDS

- A. **Intent.** This Section is established to set forth the procedures and standards for plats.
- B. **Application.** In addition to the application requirements outlined in the sections below, a plat application submittal shall include at minimum the following:
 - 1. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
 - 2. **Digital and Paper.** All Plats and plans shall be submitted in both digital and paper format.
- C. **Application Process.** In addition to the application process outlined in the sections below, a plat application shall follow the following process:

1. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section 1.4.3.2(D) Preliminary Plat Application* and *Section 1.4.3.3(D) Final Plat Application* to the Code Administrator per the preapplication meeting schedule.
 - (1) The Code Administrator shall provide the submitted plans to additional agencies for their review, including police, fire, Lakeland School System and appropriate utility companies.
 - (2) Application shall not be considered complete and eligible for docketing for the MPC until all submission requirements have been met and a Complete Application has been received.
 - (3) Applicant may withdraw application twenty-four hours or more in advance of any MPC meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sites are required for reapplication.
2. **Administrative Review.** The Code Administrator, City staff, and applicable review boards shall review the plan sets using the criteria outlined in the sections below and the Code Administrator shall complete a report with recommendations for the MPC.
3. **MPC Hearing.** The MPC shall hold a public hearing to review the Plat application.
4. **MPC Consideration and Action.** The MPC shall consider the Code Administrator's report and the application utilizing the criteria detailed in the sections below.
 - (1) The MPC shall review and consider the plat and may approve or disapprove the plat within thirty (30) days of submittal of a complete application.
 - (2) MPC shall approve, approve with conditions, or disapprove the Plat no later than sixty (60) days from its initial consideration of the application. Failure to act within sixty (60) days shall be deemed an approval of the Plat.
 - (3) The sixty (60) day action period may be extended with the Applicant's written consent or until the regularly scheduled MPC meeting after the period, if municipal offices are closed due to an unforeseen event during the period.
 - (4) Prior to the close of the public meeting, MPC may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
 - (5) If disapproved, the application may be resubmitted; the new application (including a new application form, fees, and plan sets) may only be submitted after changes have been made to fulfil the requirements of these Land Development Regulations.

4.3.2. PRELIMINARY PLAT

- A. **Intent.** Preliminary Plat process allows the City to review development of Parcels, Right-of-Way, Common Improvements, Public Improvements, and other public spaces to ensure it meets with the goals of the Comprehensive Plan and these Land Development Regulations.
- B. **Applicability.** All divisions of a tract or Parcel of land other than divisions approved through *Section 1.4.3.5 Exempt Division* shall obtain Preliminary Plat approval.
- C. **Eligible Applicant.** An Applicant may apply for Preliminary Plat approval provided the following.
1. A Preapplication Conference (*Section 1.4.2 Preapplication Conference*) was completed within the six (6) months prior to application.
 2. If the Preliminary Plat requires approval of a modification or variance (refer to *Section 1.4.5.2 Subdivision Modification* and *Section 1.4.7.3 Zoning Variance*), Applicant may submit for all processes at the same time, for concurrent approvals, so long as any required variances receive approval prior to the corresponding plat.
 3. For Exempt Division application process refer to *Section 1.4.3.5 Exempt Division*.
- D. **Application.** The Applicant shall submit the following, in addition to the requirements of *Section 1.4.3.1(B) Plats Application*, to the Code Administrator to constitute a Complete Application.
1. **Plat.** The Plat shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and include the date and north arrow, as well as the following information.
 - (1) Date, title, name, location and owner of adjoining Subdivisions and streets and the location and ownership of adjoining properties.
 - (2) Location of the Subdivision.
 - (3) Subdivision plan and layout with Dimensions for all Right-of-Way, Easements, Lot Lines, and Blocks.
 - (4) Names, addresses, and telephone numbers of the Applicant and the surveyor preparing the Plat.
 2. **Plans and Information.** Applicants shall illustrate the following information on the Preliminary Plat or supplemental plans.
 - (1) **Boundaries and Phases.** A map of the entire area scheduled for development and proposed phasing, if applicable.

- (2) **Vicinity Plan.** Illustrate existing adjacent development within one thousand (1,000) feet, including: Blocks, Lots, existing buildings, Right-of-Way, acreage of Lots, and names of Subdivisions.
- (3) **Land Use.** Land Use and Zoning designation of the proposed Subdivision and adjacent Parcels within one thousand (1,000) feet of the Parcels in question.
- (4) **Statement of Intent.** The Applicant shall submit a description of the intended Use of the proposed Plat, including public and private Uses, the number of new Lots per Block, the number of new residential units by type and the new commercial or industrial Uses by square feet.
- (5) **Statement of Compliance.** Applicant shall provide evidence that the requirements of the City's Comprehensive Plan, *Article II Zoning Regulations*, and/or *Article III Development and Design Standards* are met.
- (6) **Tree Survey** (refer to *Section III.3.16 Tree Preservation and Management*).
- (7) **Tree Replacement Schedule** (refer to *Section III.3.16 Tree Preservation and Management*).
- (8) A schedule of Tree Bank contributions for consideration by the Code Administrator for approval.
- (9) **Street Tree Plan and Schedule** (refer to *Section IV.1 Street Type Standards*).
- (10) **Site Grading.** Existing and proposed contour data showing contour intervals of two (2) feet or less; elevation shall reference a benchmark on or near the subject property.
- (11) **Utility Easements.** Existing and proposed Easements, including location and dimension of Easements on the Parcel(s) and within three hundred (300) feet of the Parcel(s) or to the location of the proposed connection, if greater than three hundred (300) feet.
- (12) **Stormwater Management Plan** as required per *Section IV.3.1(D) Stormwater Management Plan*.
- (13) **Sanitary Sewer Collection Study.** Refer to *Section IV.2.3(A)(3) Sanitary Sewer Collection Study*.
- (14) **Preliminary Engineering Plans.**
 - i. The Applicant shall submit preliminary engineering plans for streets (including on street parking), water, sanitary sewers, sidewalks, grading and drainage, and other required public or private improvements.

- ii. The engineering plans shall contain enough information and detail to enable the City to make preliminary determination as to conformance of the proposed improvements to applicable city regulations and standards.
- (15) **Other Utilities.** Schematic plans and details for all other public or private utilities proposed for the development.
- (16) **Geotech soils report** to include soil types, soil infiltration rates, location of soil borings, photographic documentation of all geologic features along streams, forested areas, and open areas, and other areas of interest such as wetlands and sites of erosion.
- (17) **Soil Erosion and Sediment Control Plan** prepared in accordance with city ordinances and the latest version of the Tennessee Erosion and Sediment Control Handbook released by the Tennessee Department of Environment and Conservation.
- (18) The location of required stream management buffers including Zone 1 and Zone 2 per the City of Lakeland Zoning Ordinance.
- 3. **Board of Sewerage Commissioners (BOSC).** Sewer capacity associated with the Subdivision shall be approved by the BOSC prior to approval of the Preliminary Plat.
- 4. **Engineering Letter.** A letter from a surveyor or engineer concerning the general feasibility of the land for the development proposed, including capacity of utilities to handle proposed project.
- 5. **Phase I Environmental Study** prepared by and independent, qualified consultant in accordance with ASTM E2247, Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property, as may be amended. If the Phase I study indicates contamination or a reasonable expectation of contamination, a Phase II study shall be provided.
- 6. **Additional Plans and Information.** Applicant shall also illustrate the following information on the Preliminary Plat or supplemental plans.
 - (1) **School Impact Study.** A school impact study is required for any development containing more than twenty (20) residential units. See Appendix for more detail regarding the requirements for School Impact Studies.
 - (2) **Traffic Impact Study** as required per *Appendix A Traffic Impact Study*.
 - (3) **Parkland and greenway dedications**, if applicable.

- (4) Boundaries and elevations of the Floodway and Area of Special Flood Hazard as published in the most recent Federal Insurance Rate Maps for the City and per *Section II.3.2 Floodplain Overlay District*.
 - (5) Details of previously recorded Subdivisions on the Parcel(s) in question.
- E. **Review Criteria.** The Preliminary Plat shall be reviewed using the following criteria.
1. The proposed division of land meets with standards of *Article II Zoning Regulations* and *Article IV Engineering Standards* of these Land Development Regulations.
 2. The proposed division of land is in the interest of public health, safety, and welfare.
 3. All Parcels, including any proposed development, are in conformance with the Zoning Regulations.
 4. The proposed plan and street system follow intent and purposes of the City of Lakeland's Comprehensive Plan and Major Roads Plan.
- F. **Preliminary Plat Application Process.** The following specific application process shall apply to all Preliminary Plat Applicants, in addition to the application process outlined in *Section I.4.4.4 Application*.
1. **MPC Hearing.**
 - (1) MPC may request modifications or changes to the Preliminary Plat based on the requirements of these Land Development Regulations.
 - (2) Preliminary Plat approval does not constitute acceptance of the Construction Plans (*Section II.4.4 Construction Plans*) or Final Plat (*Section I.4.3.3 Final Plat*); this fact shall be indicated on the Preliminary Plat.
 2. **Action Upon Approval.** Applicant shall provide copies of the approved Plat for filing within City Hall.
 3. **Expiration of Approval.** Approval of the Preliminary Plat shall lapse if a Complete Application for Construction Plans (*refer to Section I.4.4.4 Application*) is not submitted for review and approval within twenty-four (24) months.
 - (1) Applicant may request an extension if done in writing at least sixty (60) days prior to the end of the twenty-four (24) month period. If such construction plans subsequently lapse for the first phase or for the entire development, the preliminary Plat shall lapse.
 - (2) Failure to act within the twenty-four (24) month period shall require a new Preliminary Plat application, including form, fees, and plans.
 4. **Disapprovals of Certain Public and/or Common Improvements.** If the MPC disapproves any portion of an application relating to the location or extent of Right(s)-of-Way; parks or public spaces; public building or structures; or public

utilities, whether publicly or privately owned, the MPC shall communicate its reasons for disapproval to the BOC and such disapproval may be overruled by the BOC as follows:

- (1) If the authorization or financing of the improvement is, pursuant to Tennessee or federal law, within the purview of a government body other than the City, such government body may, within thirty (30) days after the MPC's disapproval, overrule the disapproval of the MPC by a majority vote of its membership or by the head of the government body if there is no board.
- (2) For any other disapproval of an improvement described in this subsection, the BOC may overrule the disapproval of the MPC by a majority vote of the members of the BOC.

G. Procedure for Minor Plat Amendment. A Minor Amendment to an approved Preliminary Plat may be permitted by the Code Administrator, if the adjustments are within the intent, terms, and conditions of the original approval. Permitted Minor Amendments are identified in *Section I.4.1.2. Major and Minor Modifications*.

1. Applicant shall submit a revised Plat and letter detailing the changes to the Code Administrator.
2. Minor amendments may apply to an entire Plat or only that portion which is impacted by the amendment.
3. Amendments to any of the following are not acceptable:
 - (1) The vacation of a plat or portion of a Plat unless otherwise permitted in this Article and Section.
 - (2) The vacation or revision of Plat conditions required by the MPC, unless grammatical or typographical only.
 - (3) The vacation of a platted Easement.
 - (4) The vacation of a public way or platted Right-of-Way.
 - (5) The vacation of public lands or a public place.
 - (6) Substantive changes to bearings, distances, dimensions, or the location of any Public Improvement, Common Improvement, utility, drainage system, or associated Easement, such as by increasing or decreasing any of these measures by more than five (5) percent, unless specifically permitted below.
 - (7) Any platted land that is not part of a residential or non-residential development Lot or public Right-of-Way (such as open space), unless the terms and procedure for such an amendment are fully described in the previously recorded plat. In the case that the land or related improvements

to it are described in the prior recorded Plat, the procedure for amendment so described may be followed to make an amendment, so long as the result otherwise complies with these regulations.

4. After review, the Code Administrator shall notify the Applicant if the amendment is considered minor and if they are approved.
5. Approved Minor Amendment shall be shown on the Final Plat when submitted for approval.
6. If the amendments are deemed to be major changes to the approved Plat, the Applicant must seek Preliminary Plat (refer to *Section I.4.3.2 Preliminary Plat*) approval for the new plan, including a new application (including a new application form, fees, and plan sets).
7. **Appeal.** Applicant may appeal the Code Administrator's decision on the Plat amendments per the Subdivision Administrative Appeal process (refer to *Section I.4.5.1 Subdivision Administrative Appeal*).

4.3.3. FINAL PLAT

- A. **Intent.** Final Plat approval allows the City to verify that the Plat is consistent with the previously approved Preliminary Plat and Construction Plans (*Section I.4.3.2 Preliminary Plat*).
- B. **Applicability.** All Plats receiving Preliminary Plat approval (*Section I.4.3.2 Preliminary Plat*) and Construction Plan approval (*Section I.4.4 Construction Plans*) shall obtain Final Plat approval.
- C. **Eligible Applicant.** An Applicant may apply for Final Plat approval provided that:
 1. The Applicant has received the appropriate Preliminary Plat (refer to *Section I.4.3.2 Preliminary Plat*) and Construction Plans (refer to *Section I.4.4 Construction Plans*).
 2. Applicant has entered a development contract with the City consistent with *Section I.5 Development Contracts*, if applicable.
 3. All site improvements submitted at the Construction Plan stage have been completed and inspected for final acceptance by the City, unless the City has agreed that an item be deferred for future construction for which the City may withhold security for that item. Applicant shall request a Final Plat inspection of the improvements no sooner than ninety (90) days prior to filing and not later than 45 days.
 4. Acceptance of Public Improvements shall be requested concurrently with the Final

Plat application (refer to *Section 1.5 Development Contracts*).

D. **Application.** The Applicant shall submit the following, in addition to the requirements of *Section 1.4.3.1.(B) Plats Application*, to the Code Administrator to constitute a Complete Application.

1. **Plat Requirements.** The Final Plat shall conform substantially to the approved Preliminary Plat and Construction Plans and shall illustrate the following.

- (1) Date, title, name, and location of Subdivision; graphic scale; and true north arrow.
- (2) The lines of all streets and roads, Lot Lines, Build-to Zone or Setback lines, Lot numbers, reservations for Easements, and Zoning Districts.
- (3) The minimum Finished Floor Elevation (F.F.E.) for each lot.
- (4) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, Lot Line, boundary line, Block line, and building line whether curved or straight, and curved Property Lines that are not the boundary of curved streets.
- (5) Location and description of monuments with Tennessee State Plane Coordinates noted on the Plat per Tennessee State Statute.
- (6) Date, title, name, and location of adjoining Subdivisions and streets and the location and ownership of adjoining property.
- (7) Restrictive covenants that apply within the Subdivision, shall be filed as a separate document. *Refer to Section 1.7 Owner's Association* for the minimum requirements to be included in the declarations or covenants and restrictions.

2. Stormwater Management Plan, to be concurrently approved (refer to *Section IV.3.1(D) Stormwater Management Plan*).

3. A set of original record drawings which show, as a minimum, the location by station and depth of all sanitary sewer services, water services, drainage improvements, the actual location of all other utilities, and the indication of any deviations from the original plans which were approved or field engineered after the Construction Plans were approved.

4. Recorded Home Ownership Association (HOA) declaration with record and/or instrument number noted on the Plat prior to recording.

E. **Review Criteria.** The Final Plat shall be reviewed using the following criteria.

1. The proposed plan is in substantial conformance with the approved Preliminary Plat and Construction Plans; if deviations exist, they have been approved per

Section I.4.1.2 Major and Minor Modifications.

2. The proposed division of land meets with standards of *Article II Zoning Regulations* of these Land Development Regulations.
3. All Parcels, including any proposed development, are in conformance with the requirements of these Land Development Regulations and the Zoning designation for the subject property or, where an alternative Zoning designation is also being requested in association with this application, would be in conformance with the standards of the proposed Zoning District.
4. The proposed plan and street system follow the intent and purposes of the Comprehensive Plan and Major Roads Plan.

F. Application Process. The following specific process shall apply to all Final Plat Applicants.

1. **MPC Review.** The MPC shall, at a public meeting, review the Final Plat application utilizing the criteria detailed in *Section I.4.4.5 Review Criteria*.
 - (1) A recommendation for Acceptance of Public Improvements may be requested concurrently with the Final Plat application. Refer to *Section I.5 Development Contracts*. Development Contract.
 - (2) Concurrent with approval, the MPC shall make a recommendation to the BOC on the acceptance of the Public Improvements or land per the development contract (refer to *Section I.5 Development Contracts*). The approval of the Final Plat shall not constitute acceptance by the City or the Dedication of any Public Improvements; this is the prerogative of the BOC.
2. **Action Upon Approval.**
 - (1) Applicant shall provide the Code Administrator with an original Plat and copies, per the application form available in City Hall, for signature and recording in the Shelby County Register of Deeds. The Applicant shall be responsible for payment of, and all costs and fees associated with such recordation.
 - (2) The recorded original Plat shall be retained as a permanent record in City Hall after it has been stamped, signed, and recorded by the County Register.

G. Procedure for Minor Plat Amendments. Requests for Minor Amendments to an approved or recorded Final Plat may be submitted to the Code Administrator in accordance with this subsection. Permitted Minor Amendments are identified in *Section I.4.1.2. Major and Minor Modifications*.

1. **Review criteria.** The Minor Amendment may be approved if all the following are

met.

- (1) All conditions imposed by the Municipal Planning Commission on the Preliminary Plat have been fully complied with by the Subdivider.
 - (2) The resulting plat remains in compliance with the Zoning Ordinance and Engineering Standards.
 - (3) The nature of the Minor Amendment is consistent with the determination of Minor Amendments set forth herein.
 - (4) Applicable procedures for recording a plat are completed.
2. To apply, Applicant shall submit in the same manner as a Final Plat with the recorded Plat, Plat application, letter detailing the changes, and fees for processing and re-recording the Plat to the Code Administrator.
 - (1) It shall contain signature blocks for the Secretary of the MPC and the City Engineer.
 - (2) If the ownership of the Subdivision has changed or Lots have been sold since the previous recording, an Owner's and notary's certificate shall be provided on the Plat for each new Owner and each Lot Owner.
3. After review, the Code Administrator shall notify the Applicant if the adjustments can be considered Minor Amendments and if they are approved.
4. **Major Amendment.** If the adjustments are deemed to be Major Amendments to the recorded Plat, the Applicant shall seek Preliminary Plat (*Section 1.4.3.2 Preliminary Plat*) approval for the new plan, including a new application (including a new application form, fees, and plan sets).
5. **Approval.** If the Code Administrator determines that the request can be approved; the plat document shall be submitted for signatures. The City shall record any approved Minor Amendments.
6. **Appeal.** If disapproved, Applicant may appeal decision per the Subdivision Administrative Appeals process (refer to *Section 1.4.5.1 Subdivision Administrative Appeal*).

4.3.4. PLAT VACATION

- A. **Intent.** The process to vacate a Plat or part of a Plat allows the City to review changes to an existing division of land.
- B. **Applicability.** Approval of a Plat Vacation is required anytime Property Lines in an existing Subdivision are to be removed, nullifying a Plat or part thereof.
 1. Separate application for Plat Vacation is not required when Exempt Division

(*Section 1.4.3.5 Exempt Division*) or Preliminary Plat (*Section 1.4.3.2 Preliminary Plat*) approval is also sought.

- C. **Eligible Applicant.** Any Applicant may apply for a Plat Vacation.
- D. **Application.** The Applicant shall submit the following, in addition to the requirements of *Section 1.4.3.1(B) Plats Application*, to the Code Administrator.
1. **Original and New Plat.** The Plat shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and include the date and north arrow, as well as the following information:
 - (1) The names of the streets and the existing Subdivisions and streets directly abutting it.
 - (2) Location of the Subdivision.
 - (3) Subdivision plan and layout with Dimensions for all Right-of-Way, Easements, Property Lines, and Blocks.
 - (4) Names, addresses, and telephone numbers of the Applicant and the surveyor preparing the Plat.
- E. **Review Criteria.** The application for a Plat Vacation shall be reviewed based upon the rationale behind the request.
1. The City reserves the right to maintain ownership of and platting of Rights-of-Way and Easements associated with the original Plat.
 2. The vacation will not have a negative effect on the existing or future street or utility network.
 3. The plat never developed after many years to allow it to be replatted.
- F. **Application Process.** The following specific application process shall apply to all Plat Vacation applications.
1. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section 1.4.3.4(D) Plat Vacation Application* to the Code Administrator per the preapplication meeting schedule.
 - (1) Application shall not be considered complete and eligible for docketing for the MPC until all the submission requirements have been met and a Complete Application has been received.
 - (2) Applicant may withdraw application twenty- four hours or more in advance of any MPC meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sites are required for reapplication.
 2. **Administrative Review.** The Code Administrator, City staff, and other applicable review boards shall review the plan sets using the criteria outlined in *Section*

I.4.3.4(D) Plat Vacation Application and the Code Administrator shall complete a report with recommendations for the MPC no later than thirty (30) days from receipt of the Complete Application.

3. **MPC Hearing.** The MPC shall hold a public hearing to review the vacation application.

(1) **Hearing Notice.** Notice shall be provided through publication, mailing, and posted sign. Notice Specifications for detailed requirements.

(2) **MPC Consideration and Action.** The MPC shall consider the Code Administrator's report and the application utilizing the criteria detailed in *Section I.4.3.4(D) Plat Vacation Application*.

- i. MPC shall approve, approve with conditions, or disapprove the Plat Vacation no later than sixty (60) days from receipt of the Complete Application.
- ii. The sixty (60) day action period may be extended with the Applicant's written consent or until the regularly scheduled MPC meeting after the sixty (60) day period, if municipal offices are closed due to an unforeseen event during the period.
- iii. Prior to the close of the public meeting, MPC may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
- iv. If modifications or changes are requested by the MPC, the Applicant shall submit a revised Plat, along with a letter addressing the revisions requested, no less than fifteen (15) days prior to the MPC meeting at which it is to be considered.
- v. If disapproved, the application may be resubmitted; the new application (including a new application form, fees, and plan sets) may only be submitted after the recommended changes have been made.

4. **Action Upon Approval.**

- (1) Applicant shall provide the Code Administrator with an original Plat and copies, per the application form available in City Hall, for signature and recording in the Shelby County Register of Deeds. The Applicant shall be responsible for payment of all costs and fees associated with such recordation.
- (2) The recorded original Plat shall be retained as a permanent record in City Hall after it has been stamped, signed, and recorded by the County Register.

4.3.5. EXEMPT DIVISION

- A. **Intent.** The Exempt Division process allows for the approval of a division of land, without undergoing Preliminary Plat approval (refer to *Section 1.4.3.2 Preliminary Plat*), through an endorsement on the Plat by the Secretary of the MPC.
- B. **Eligible Applicant.** The Owner of the subject property may apply for an Exempt Division.
- C. **Applicability.** Application for an Exempt Division shall be made when the division of land results in no more than two (2) Parcels or the resulting Parcels are greater than five (5) acres unless Applicant determines prior to application that the Exempt Division criteria in *Section 4.3.5 Exempt Division* cannot be met, in which case application for Preliminary Plat approval (refer to *Section 1.4.3.2 Preliminary Plat*) shall be made.
- D. **Application.** The Applicant shall submit the following, in addition to the requirements of *Section 1.4.3.1(B) Plats Application*, to the Code Administrator to constitute a Complete Application.
1. **Plat/Plan.** The Plat/plan shall be at a Scale of one (1) inch equal to or less than two hundred (200) feet and include the date and north arrow, as well as the following information:
 - (1) The name of the proposed Subdivision and the existing Subdivisions and streets directly abutting it.
 - (2) Location of the Subdivision.
 - (3) Subdivision layout.
- E. **Review Criteria.** The Exempt Division application shall be reviewed using following criteria.
1. A Plat of Subdivision is not required if both of the following two (2) criteria are met.
 - (1) The resulting Parcels are greater than five (5) acres in size.
 - (2) The resulting Parcels do not require improvements to develop, such as streets or utilities, nor will they likely necessitate such improvements in the future.
 2. A Plat of Subdivision can be approved through endorsement of the secretary of the MPC if both following criteria are met:
 - (1) The division results in no more than two (2) Parcels.
 - (2) No variances from this Ordinance are required for either Parcel to be developed.
- F. **Application Process.** The following specific application process shall apply to all Exempt Division Applicants.

1. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plan(s) and documentation per *Section 1.4.3.5(E) Review Criteria* to the Code Administrator.
 - (1) Plans will not be reviewed until all the submission requirements have been met and a Complete Application is received.
 - (2) Applicant may withdraw application at any time by submitting a request in writing to the Code Administrator; new forms, fees, and plan sets are required for reapplication.
2. **Administrative Review.** The Code Administrator shall review the application and verify its compliance with the provisions of this Ordinance no later than thirty-five (35) days from receipt of the Complete Application.
 - (1) If the Code Administrator determines that the division complies with *Section 1.4.3.5(E) Review Criteria* above, the division does not require signature of the MPC secretary or a formal Plat of Subdivision.
3. **Notification of Decision.** The Applicant shall be notified in writing of the decision to approve or disapprove and the reasons for disapproval.
 - (1) If approved, the secretary of the MPC shall endorse in writing the Plat.
 - (2) If disapproved, an Applicant may,
 - i. Submit a new application (including new application form, fees, and plan sets) after the reasons for disapproval have been satisfied.
 - ii. Submit application for Preliminary Plat approval (*Section 1.4.3.2 Preliminary Plat*).
4. **Appeal.** Applicant may appeal the Code Administrator's decision per the Subdivision and Resource Protection Administrative Appeal process (refer to *Section 1.4.5.1 Subdivision Administrative Appeal*).
5. **Action Upon Approval of an Exempt Division.**
 - (1) Applicant shall provide the Code Administrator with an original Plat of Subdivision and copies, per the application form available in City Hall, for recording in the Office of the Register of Shelby County, Tennessee.
 - (2) The recorded original Plat shall be retained as a permanent record in City Hall after it has been stamped, signed, and recorded by the County Register.

4.4. CONSTRUCTION PLANS

4.4.1. INTENT

Construction Plan approval allows the City Engineer to verify that all improvements to be installed or constructed meet the required construction and design standards in these Land Development Regulations, and that the approved Preliminary Plat are being implemented.

4.4.2. APPLICABILITY

All Plats receiving Preliminary Plat approval (*Section I.4.3.2 Preliminary Plat*) or Site Plan Review (*Section I.4.6.2 Site Plan Review*) shall submit for Construction Plan approval within twenty-four (24) months to prevent preliminary approvals being voided.

- A. Extension of the twenty-four (24) month period may be requested of the MPC in writing to the Code Administrator for possible inclusion on the MPC agenda.
- B. Extension requests shall be made a minimum of sixty (60) days prior to the end of the twenty-four (24) month period.

4.4.3. ELIGIBLE APPLICANT

An Applicant with an approved Preliminary Plat or Site Plan shall apply for Construction Plan approval.

- A. If the Construction Plan requires approval of a variance (refer to *Section I.4.7.3 Zoning Variance*), Applicant shall complete the variance process prior to Construction Plan approval.

4.4.4. APPLICATION

The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.

- A. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
- B. **Digital and Paper.** All Plats and plans shall be submitted in both digital and paper format.
- C. **Public Works Construction Specifications.** All Construction Plans and specifications shall comply with the City's Public Works Construction Specifications.
- D. **Construction Plans and Specifications Requirements.** The Construction Plans shall conform substantially to the approved Preliminary Plat or Site Plan and shall, at

a minimum include the following items:

1. Signature and seal of an engineer registered in the State of Tennessee.
2. **Grading and Drainage Plan.** Existing and proposed contour data showing contour intervals of two (2) feet or less that extend a minimum of fifty (50) feet beyond the property boundary or a sufficient distance to clarify the topography of the immediate area; elevation shall reference a benchmark on or near the subject property. Stormwater infrastructure for locations and elevations conveyance and detention (if applicable).
3. Floodway/Area of Special Flood Hazard Boundaries and elevations of the Floodway and Area of Special Flood Hazard as published in the most recent Federal Insurance Rate Maps for the City and per *Section II.3.2 Floodplain Overlay District*.
4. **Water and Sanitary Sewage Systems.** Construction engineering plans for proposed public or private water and sewage improvements shall be provided, showing feasible connections to adequate existing or proposed utility systems. Where such connections are not feasible, the plans shall include the designs for any proposed individual water supply and/or sewerage disposal systems that have been approved by the Tennessee Department of Environment and Conservation (TDEC), the City of Lakeland, MLGW, and the County Health Department.
5. **Utilities.** Existing and proposed, public or private, utilities and Easements, including location and dimension of all Easements on the Parcel and within three hundred (300) feet of the Parcel or to the location of the proposed connection, if greater than three hundred (300) feet.
6. **Plan and Profiles.** Plan and profile sheets showing all engineering data necessary for construction of proposed Street Types, including all controls for surface water, sanitary sewer and waterline layout, and connection to existing or proposed utilities.
 - (1) The street profiles shall be plotted along the Street Centerline showing the existing and Finished Grades and utility locations drawn to a scale of not less than one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical.
 - (2) Typical cross section of each Street Type proposed shall be shown.
 - (3) Construction details of all inlets, typical driveways, sidewalks, curb and gutter, manholes, sewer connections, and all other details necessary to ensure compliance with the City's Design Standards.

- (4) Finished floor Elevations. The elevation of the lowest habitable floor of the building, excluding basements, for each building proposed.
7. Tree Survey (refer to *Section III.3.16 Tree Preservation and Management*)
8. Tree Replacement Plan (refer to *Section III.3.16 Tree Preservation and Management* in conformance with Tree Replacement Schedule approved with Preliminary Plat.
9. Street Tree Plan, Schedule, & Construction Details (refer to *Section IV.1.3(D)(7) Street Trees* and *Section III.3.1(D) Landscape Plan and Schedule*)
10. Tree Protection Plan (refer to *Section III.3.16 Tree Preservation and Management*)
11. Landscape Plan, Schedule, and Construction Details (refer to *Section III.3 Landscape Standards*)
12. Site Stormwater Management Plan and Operation and Maintenance Plan (refer to *Section IV.3.1(D) Stormwater Management Plan*)
13. Soil Erosion and Sediment Control Plan. Plans shall follow the requirements of the latest Tennessee Department of Environment and Conservation Erosion and Sediment Control Handbook.
14. Aquatic Resource Alteration Permit (ARAP), per the requirements of Tennessee Department of Environment and Conservation (TDEC) or additional permitting as required by the Army Corps of Engineers (ACOE).
15. Monuments. An affidavit shall be prepared by the licensed surveyor and submitted to the City prior to the recording of the Plat at the Shelby County Register of Deeds, stating the following have been set and marked:
- (1) Subdivision corners shall be set with two (2) inch diameter brass caps, twenty-four (24) inches in length and set in a post constructed of dense Portland cement concrete four (4) inches round or square and three (3) feet long. Show the number of the corner, the elevation of the corner, the identifying initial of the surveyor or the company making the survey, and the license number of the surveyor making the survey or certifying the survey.
 - (2) Lot corners, points of tangency (PTs) and points of curve (PCs) of all curves shall be marked by an iron pin not less than five- eighths (5/8) inches in diameter and not less than twenty-four (24) inches in length, unless otherwise impractical. All survey monuments shall include a permanent attached identifying marker.
 - (3) The points of intersection (PIs) and the points of return (PORs) of all Blocks shall be referenced by an iron pin. Also, the PCs and PTs of all curves shall

be so referenced by an iron pin.

E. **Additional Requirements.** Applicant shall provide the following unless deemed unnecessary by the Code Administrator.

1. **Storm Water Discharge Letter of Coverage.** The Applicant shall submit a signed and certified letter of approval for the Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall have been filed with the Tennessee Department of Environment and Conservation (TDEC), Division of Water Pollution Control.
2. **Notice of Intent Verification.** Verification of having filed a Notice of Intent for Stormwater Discharges/Construction Activity, with the TDEC.
3. **Public Water and Sewer System Approval.** Applicants who plan to construct or modify a public water system are required to obtain an approval from the TDEC.
4. **NPDES Discharge Permit.** Applicants planning to operate a construction site involving clearing, grading, or excavation that results in either an area of disturbance of one (1) or more acres (or an activity that results in the disturbance of less than one (1) acre if it is part of a larger common plan of development or sale shall obtain an NPDES Stormwater Construction Permit from the appropriate field office of TDEC.
5. **State Department of Transportation (DOT) Permits.** Construction activities involving State Highway Rights-of-Way shall comply with the Rules of the Tennessee DOT, Maintenance Division, Constructing Driveways on State Highway Right-of-Way and permits for driveways shall be obtained by the appropriate Regional Engineer's office.

4.4.5. REVIEW CRITERIA

The Construction Plans shall be reviewed using the following criteria.

- A. The proposed division of land meets with standards of Articles II and III of these Land Development Regulations.
- B. The proposed plan and street system follow the City's Comprehensive Plan and Major Roads Plan.
- C. The proposed plan is in substantial conformance with the approved Preliminary Plat or Site Plan or, if deviations from the approved preliminary plan exist, they have been approved.

4.4.6. APPLICATION PROCESS

The following specific application process shall apply to all Construction Plan applications.

- A. **File Development Contract.** Applicant shall file the Development Contract for consideration of approval by the BOC. Refer to *Section 1.5 Development Contracts*.
- B. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plan(s) and documentation per *Section 1.4.4.4 Construction Plan Application* to the Code Administrator.
 - 1. An application shall not be docketed for review by any office, commission, or review body until it is deemed complete.
 - 2. Applicant may withdraw application at any time by submitting a request in writing to the Code Administrator; new form, fees, and plan sets are required for reapplication.
- C. **Administrative Review.** The Code Administrator, and City staff, shall review the Construction Plans in accordance with the criteria outlined in *Section 1.4.4.4 Construction Plan Application*.
 - 1. The Development Contract shall be executed prior to approval of the Construction Plans.
 - 2. Staff shall review and render a decision on the plans no later than ninety (90) days from receipt of the Complete Application.
 - 3. The ninety (90) days may be extended with Applicant's written consent or if municipal offices are closed due to an unforeseen event during the period.
 - 4. Staff shall approve, approve with conditions, or disapprove the plans, providing reasons for disapproval in writing.
 - 5. Approval of the Construction Plans shall not constitute acceptance of the Final Plat.
 - 6. Staff shall determine the amount and terms of security necessary for the construction of Public Improvements related to the development. Refer to *Section 1.5 Development Contracts*.
- D. **Appeal.** If disapproved, Applicant may appeal decision to the MPC per the Subdivision Administrative Appeals process (refer to *Section 1.4.5.1 Subdivision Administrative Appeal*).
- E. **Action Upon Approval.** Applicant shall provide copies of the approved Construction Plans for signature by the Code Administrator and filing in City Hall.
- F. **Expiration of Approval.** Approval of the Construction Plans for a development

section or phase shall lapse if, a Final Plat approval (refer to *Section I.4.3.3 Final Plat*) is not obtained within four (4) years, or if the development contract lapses.

G. Extension of Construction Plans

1. Applicant may request an extension of up to three (3) years, if done in writing at least sixty (60) days prior to the end of the four (4) year period, and if a development contract is in force.
2. Failure to act within the four (4) year period shall require a new Construction Plan application, including form, fees, and plans.

4.5. SUBDIVISIONS

4.5.1. SUBDIVISION ADMINISTRATIVE APPEAL

A. **Intent.** The Subdivision Administrative Appeal process allows the review of any decision made by the Code Administrator or other City official in carrying out or enforcing the Engineering Standards.

1. This process is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions, and to provide a local procedure for their review and correction.
2. This process is not intended to subvert either the clear purposes, intent, or meaning of these Land Development Regulations or the rightful authority of the Code Administrator to enforce these regulations.
3. MPC, in reviewing these cases, shall give all proper deference to the spirit and language of these Land Development Regulations and to the reasonable interpretations of those charged with its administration.

B. **Applicability.** An Applicant may appeal to the MPC a decision made by the Code Administrator, an administrative official, or other body related to the Engineering Standards.

C. **Eligible Applicant.** Any Applicant or Aggrieved Party with an actual interest and their authorized representative may request an Appeal within thirty (30) days of a decision subject to the appeals process.

D. **Application.** The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.

1. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
2. **Digital and Paper.** All Plats and plans shall be submitted in both digital and paper

format.

3. **Plan Requirements.** Resubmit all Plats and plans reviewed during the initial action.

E. **Application Process.** The following specific application process shall apply to all Subdivision Administrative Appeal Applicants.

1. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section 1.4.5.1(D) Subdivision Administrative Appeal Application* to the Code Administrator per the preapplication meeting schedule.
 - (1) Application shall not be considered complete and eligible for docketing for the MPC until all submission requirements have been met and a Complete Application has been received.
2. **Administrative Review.** The Code Administrator shall review the appeals application and shall complete a report for the MPC no later than thirty (30) days from receipt of the Complete Application.
3. **MPC Hearing.** The MPC shall hold a public hearing to review the Code Administrator's report and the application by considering the merits of the individual appeal within the context of all standards and considerations established in these Land Development Regulations.
 - (1) MPC shall approve, approve with conditions, or disapprove the Subdivision appeals application no later than sixty (60) days from receipt of the Complete Application.
 - (2) The sixty (60) day action period may be extended with the Applicant's written consent or until the regularly scheduled MPC meeting after the sixty (60) day period, if municipal offices are closed due to an unforeseen event during the period.
 - (3) Prior to the close of the public meeting, MPC may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
 - (4) The MPC shall render a decision that shall reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of issue.
 - (5) The MPC shall have all the powers of the official or body from whom the appeal was taken and may direct the issuance of a permit.
 - (6) The MPC shall detail the reason(s) and the facts supporting the decision.

4.5.2. SUBDIVISION MODIFICATION

- A. **Intent.** The Subdivision Modification process allows the City flexibility in the application of the Engineering Standards, if certain criteria are met.
- B. **Applicability.** A Modification may be requested to relieve a difficulty or hardship arising from the strict application of the Engineering Standards.
- C. **Eligible Applicant.** An Applicant may apply for Modification from the Engineering Standards approval provided the following.
1. A Preapplication Conference (*Section 1.4.2 Preapplication Conference*) was completed within the six (6) months prior to application.
 2. An Applicant may submit with the Preliminary Plat for concurrent approvals.
- D. **Application.** The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.
1. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
 2. **Digital and Paper.** All Plats and plans shall be submitted in both digital and paper format.
 3. **Plan Requirements.**
 - (1) A Plat of survey with metes and bounds legal description and property identification number.
 - (2) Plan (site plan or Plat) illustrating the Modification request shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and shall include the date and north arrow.
 - (3) Engineering plans and support documentation to detail the request shall be at the size and scale as outlined in *Article IV Subdivision Standards* and/or shall contain information as specified in *Article III Development and Design Standards*.
- E. **Review Criteria.** The application for a Modification shall be reviewed utilizing the following sets of criteria.
1. Applicant shall meet the following two criteria.
 - (1) The strict application of the Engineering Standards results in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the Applicant.
 - (2) If granted, relief shall not cause substantial detriment to the public good and without substantially impairing the intent and purposes of the Comprehensive

Plan and these Land Development Regulations.

2. In determining whether the above criteria are met, the MPC shall consider the following.
 - (1) Shall not adversely affect or diminish the purpose of these Land Development Regulations.
 - (2) Is not based on financial returns.
 - (3) Was not a self-made hardship, created by any person having an interest in the property after the effective date of these Land Development Regulations.
 - (4) Is the minimum request that shall make possible the reasonable Use of the land, building or structure?
 - (5) The situation is unique; the conditions upon which the application is based would not be applicable, generally, to other properties in the same district.
 - (6) Shall not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

F. **Application Process.** The following specific application process shall apply to all Modification Applicants.

1. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section 1.4.5.2(F) Subdivision Modification Application Process* to the Code Administrator per the preapplication meeting schedule.
 - (1) Application shall not be considered complete and eligible for docketing for the MPC until all submission requirements have been met and a Complete Application has been received.
 - (2) Applicant may withdraw application twenty-four hours or more in advance of any MPC meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sites are required for reapplication.
2. **Administrative Review.** The Code Administrator, City staff, and applicable review boards shall review the Modification application in accordance with the criteria outlined in *Section 1.4.5.2 Subdivision Modification* and shall complete a report with recommendations for the MPC no later than forty-five (45) days from receipt of the Complete Application.
3. **MPC Hearing.** The MPC shall hold a public hearing to review the proposed Modification.

- (1) **Hearing Notice.** Notice shall be provided through publication, mailing, and physical posting of a sign. Refer to *Section I.4.1.1 Public Hearing Notification Requirements* for detailed requirements.
- (2) **MPC Consideration and Action.** The MPC shall consider the Code Administrator's report and the application utilizing the criteria detailed in *Section I.4.5.2 Subdivision Modification*.
 - i. MPC shall approve, approve with conditions, or disapprove the Modification application no later than ninety (90) days from receipt of the Complete Application
 - ii. The ninety (90) day action period may be extended with the Applicant's written consent or until the regularly scheduled MPC meeting after the ninety (90) day period, if municipal offices are closed due to an unforeseen event during the period.
 - iii. Prior to the close of the public meeting, MPC may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
 - iv. The MPC shall hear and decide the application.
 - v. The MPC may impose such conditions and restrictions upon the approval of the application as may be necessary to reduce or minimize the injurious effect of such variation upon adjacent properties and/or to better carry out the general intent of these Land Development Regulations.
4. **Action Upon Disapproval.** If disapproved, the application may be withdrawn; a new application (including a new application form, fees, and plan sets) may only be submitted after a twelve (12) month period.

4.5.3 AMENDMENT TO THE ENGINEERING STANDARDS

- A. **Intent.** The process to amend regulations allows the City to review and revise the Engineering Standards from time to time.
- B. **Applicability.** All the regulations and provisions stated in the graphics, tables, and text of the Engineering Standards may be amended, supplemented, or changed.
- C. **Eligible Applicant.** An Amendment may be initiated by the Code Administrator, the MPC, the BOC, or a person with an actual interest.
- D. **Application.** The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.
 1. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the

appropriate application fee.

2. **Digital and Paper.** All proposed amendments shall be submitted in both digital and paper format.
 3. **Proposed Engineering Standards Amendments.** Applicant shall submit the proposed Amendment to the Code Administrator. Code Administrator and City staff, during their review, may recommend revisions to the amendment language.
- E. **Review Criteria.** The application for an Amendment to the Engineering Standards shall be reviewed utilizing the following criteria:
1. The proposed Amendment is in accordance with the intent and purposes of the Comprehensive Plan and other development policies of the City or, if not, additional attention is given to the reasons for deviating from these City policies.
 2. The application is consistent with the intent and standards of these Land Development Regulations.
 3. No one property Owner or small group of property Owners shall benefit materially from the change to the detriment of the public.
 4. The application is in the interest of the public health, safety, and welfare.
- F. **Application Process.** The following specific application process shall apply to all Engineering Standards Applicants.
- (1) **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation to the Code Administrator per the preapplication meeting schedule. If process is initiated by the City, no application is required.
 - (2) Application shall not be considered complete and eligible for docketing for the MPC until all submission requirements have been met and a Complete Application has been received.
 - (3) Applicant may withdraw application twenty-four hours or more in advance of any MPC meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sites are required for reapplication.
2. **Administrative Review.** The Code Administrator, City staff, and applicable review boards shall review the application in accordance with the criteria outlined in *Section 1.4.5.3(E) Review Criteria* and shall complete a report with recommendations for the MPC no later than forty-five (45) days from receipt of the Complete Application.
 3. **MPC Hearing.** The MPC shall hold a public hearing to review the proposed Engineering Standards Amendment.

- (1) **Hearing Notice.** Notice shall be provided through publication. Refer to *Section I.4.1.1 Public Hearing Notification Requirements* for detailed requirements.
- (2) **MPC Consideration and Action.** The MPC shall review the Code Administrator's report and the application utilizing the criteria detailed in *Section I.4.5.3(E) Review Criteria*.
 - i. MPC shall approve, approve with conditions, or disapprove the proposed Amendment no later than one hundred eighty (180) days from receipt of the Complete Application.
 - ii. The one hundred eighty (180) day action period may be extended with the Applicant's written consent or until the regularly scheduled MPC meeting after the one hundred eighty (180) day period, if municipal offices are closed due to an unforeseen event during the period.
 - iii. Prior to the close of the public meeting, MPC may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
4. **Action Upon Disapproval.** If disapproved, a new application (including a new application form, fees, and plan sets) may only be submitted after a twelve (12) month period, unless the application involves a substantively different proposed amendment.

4.6. SITE PLANS

4.6.1. MINOR SITE PLAN REVIEW

- A. **Intent.** Minor Site Plan Review allows the City to administratively review specific development activities to ensure that the requirements and purposes of these Land Development Regulations are met.
- B. **Applicability.** Minor Site Plan Review may be submitted for in lieu of Site Plan Review in the following circumstances. In any circumstance, if removal of a Landmark Tree is proposed, the Applicant shall submit for Site Plan Review (refer to *Section I.4.6.2 Site Plan Review*).
 1. Alterations to an existing site or development, except for a single-family home on a Lot, which does not also involve the construction of a new Principal or Accessory Structure, such as the following:
 - (1) Construction of driveways (up to 15% expansion of total square-footage).
 - (2) Construction of loading and/or parking areas (up to 15% expansion of total square- footage).

- (3) Grading and/or removal or installation of landscaping (up to 15% expansion of total square-footage).
 - (4) Installation of lighting, not including an increase in mounting height, or an increase in foot candles at the property line.
 - (5) Installation of fences.
 - (6) Construction, repair, or modification of a Retaining Wall
2. Alteration to an existing Principal or Accessory Structure that results in a less than fifteen (15) percent change in the Gross Floor Area.
 3. Construction of a single-family home or alteration to the Front and Corner Side Facades of a single family home.
 4. **Open Space.** Privately developed open space.
- C. **Eligible Applicant.** Any Applicant may apply for Minor Site Plan Review.
1. If the proposed minor site plan also requires approval of a Modification or Variance (refer to *Section 1.4.5.2 Subdivision Modification* and/or *Section 1.4.7.3 Zoning Variance.*), Applicant shall obtain the Modification or Variance approval first. An Application for Variance or Modification may be submitted concurrently, so long as the Variance or Modification is approved first.
- D. **Application.** The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.
1. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
 2. **Digital and Paper.** All Plats and plans shall be submitted in both digital and paper format.
 3. **Plan Requirements.**
 - (1) A Plat of survey with metes and bounds legal description and property identification number.
 - (2) The site plan shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and include the date and north arrow. It shall also detail the following.
 - i. Names, addresses, and telephone numbers of the Applicant and developer.
 - ii. Existing and proposed development, including buildings, structures, points of access, parking or loading areas, landscaping, lighting, and public or private utilities.
 - iii. Dimensioned Lots and Property Lines, including those abutting the

Parcel(s) in question, Right(s)-of-Way, and Easements, as well as names of the existing streets and the Zoning designation of the Lots.

- iv. Existing natural conditions, including existing vegetation, trees, drainageways, flood elevation, and/or Area of Special Flood Hazard per *Section II.3.2 Floodplain Overlay District*, slope, and other unique features.
- (3) **Additional Plans and Information.** Unless deemed not applicable by the Code Administrator, Applicant shall also provide the following information.
 - i. Tree Survey (refer to *Section III.3.16 Tree Preservation and Management*).
 - ii. Tree Replacement Plan (refer to the *Section III.3.16 Tree Preservation and Management*).
 - iii. Tree Protection Plan (refer to *Section III.3.16 Tree Preservation and Management*)
 - iv. Grading Plan.
 - v. Stormwater Management Plans (refer to *Section IV.3.1(D) Stormwater Management Plan*).
 - vi. Traffic Impact Study (refer to *Appendix A Traffic Impact Study*).
 - vii. Traffic Circulation Plan (on-site and off-site and vehicular and pedestrian).
 - viii. Landscape Plan (refer to *Section III.3 Landscape Standards*).
 - ix. Protection Zone Plan.
 - x. Existing and proposed grading plan and elevations, if appropriate, including the location of any existing and proposed Retaining Walls.
 - xi. Lighting plan.
 - xii. Utility plans.
 - xiii. Soil Erosion and Sediment Plan.
 - xiv. Signage, including entrance treatment plans.
 - xv. Building Elevations (refer to *Section II.1 Zoning Regulations* and *Section III.1 Architectural Standards*).
 - xvi. Setback Averaging Documentation, if seeking reduced Setbacks. Refer to *Section II.1 Zoning Regulations*.
 - xvii. Statement of Intent. Describe the alterations to the existing site or development.

E. **Review Criteria.** The Minor Site Plan Review application shall be reviewed using the following criteria.

- 1. The proposed plan is in accordance with the purposes and intent of the Comprehensive Plan, the requirements of these Land Development Regulations,

and the intent and requirements of other development policies of the City.

2. The proposed plan is designed to be consistent with the intent and planning criteria of the Zoning District (refer to *Section II.1 Zoning Regulations*) and shall not adversely impact the intent and planning criteria of any adjacent Zoning District(s) or the Use and enjoyment of surrounding properties.
3. The proposed plan is served by or provides essential public facilities, such as vehicular and pedestrian access, open space, and services such as emergency services and utilities and these public facilities and services have sufficient capacity to the site.

F. **Application Process.** The following specific application process shall apply to all Minor Site Plan Review Applicants.

1. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section I.4.6.1(D) Minor Site Plan Review Application* to the Code Administrator.
 - (1) Application shall not be considered complete and eligible for review until all submission requirements have been met and a Complete Application has been received.
2. Applicant may withdraw application twenty-four hours or more in advance of any MPC meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sets are required for reapplication.
3. **Administrative Review.** The Code Administrator, City staff, and applicable review boards shall review the minor site plan in accordance with the criteria outlined in *Section I.4.6.1(E) Review Criteria*.
 - (1) Staff shall review and render a decision on the plans no later than forty-five (45) days from receipt of the Complete Application.
 - (2) The forty-five (45) days may be extended with Applicant's written consent or if municipal offices are closed due to an unforeseen event during the forty-five (45) day period.
 - (3) Staff shall hear and decide the application, providing the conditions for approval in writing.
4. **Expiration of Approval.** Approval of the minor site plan shall lapse if permits for construction are not submitted for review and approval within twelve months.
 - (1) Applicant may request an extension if done so in writing at least sixty (60) days prior to the end of the twelve (12) month period.
 - (2) Failure to act within the twelve (12) month period shall require a new minor

site plan application, including form, fees, and plans.

5. **Appeal.** If disapproved, Applicant may appeal decision per the Zoning Administrative Appeal process (refer to *Section I.4.7.4 Zoning Administrative Appeal*).

4.6.2. SITE PLAN REVIEW

- A. **Intent.** Site Plan Review allows the City to review development activity to ensure that it meets with the requirements and purposes of these Land Development Regulations.
- B. **Applicability.** Site Plan Review is required in the following circumstances:
1. All new development, except:
 - (1) Construction of a single-family home on a Lot.
 - (2) Construction of Accessory Structures unless otherwise stated in *Section II.2.3 Accessory Uses and Structures.*
 - (3) Development that qualifies for Minor Site Plan Review (refer to *Section I.4.6.1 Minor Site Plan Review*).
 2. Prior to the physical alteration of an existing Principal or Accessory structure or building to the extent that results in a greater than or equal to fifteen (15) percent change in the Gross Floor Area, or results in the need for a traffic study, except for a single-family home on a Lot.
 3. Development of a wireless transmission facility. Refer to *Section II.4.1 Wireless Transmission Facilities.*
 4. Exceptions to *Section I.8 Nonconformance* as detailed in *Section I.8.6 Nonconforming Lot.*
 5. New or redevelopment of utilities requiring clearing, grading, or any other land disturbance.
- C. **Eligible Applicant.** The Owner of the subject property may apply for site plan approval provided the following.
1. A Preapplication Conference (*Section I.4.2 Preapplication Conference*) was completed within the six (6) months prior to application.
 2. If the proposed site plan requires approval of a Modification or Variance (refer to *Section I.4.5.2 Subdivision Modification* and/or *Section I.4.7.3 Zoning Variance.*), Applicant shall obtain the Modification or Variance approval, prior to applying for Site Plan Review.
- D. **Application.** The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.

1. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
2. **Digital and Paper.** All Plats and plans shall be submitted in both digital and paper format.
3. **Tree Bank Contributions.** Refer to *Section III.3.16 Tree Preservation and Management*.
4. **Plan Requirements.**
 - (1) A Plat of survey with metes and bounds legal description and property identification number.
 - (2) The site plan shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and include the date and north arrow. It shall also detail:
 - i. Names, addresses, and telephone numbers of the Applicant and developer.
 - ii. Existing buildings, structures, points of access, parking or loading areas, and public or private utilities.
 - iii. Dimensioned Lot and Property Lines, including those abutting the Parcel(s) in question, Right(s)-of-Way, and Easements, as well as names of the existing streets and the Zoning designation of the Lots.
 - iv. Existing natural conditions, including existing vegetation, trees, drainageways, flood elevation and/or Area of Special Flood Hazard per *Section II.3.2.3(A)(2) Basis for Establishing the Areas of Special Flood Hazard*, slope, and other unique features.
 - v. Proposed private and Public Improvements, including but not limited to Building Types, Accessory Structures, points of access, parking and loading areas, Easements, Right(s)- of-Way, utilities and open space.
 - vi. Grading and drainage plan.
 - (3) Additional plans required, unless deemed not applicable by the Code Administrator include:
 - i. Architectural elevations (all Facades) for all structures and buildings.
 - ii. Tree Survey (refer to *Section III.3.16 Tree Preservation and Management*).
 - iii. Tree Replacement Plan (*Section III.3.16 Tree Preservation and Management*).
 - iv. Tree Protection Plan (*Section III.3.16 Tree Preservation and Management*).
 - v. Stormwater Management Plans (refer to *Section IV.3.1(D) Stormwater*

Management Plan).

- vi. Protection Zone Plan.
 - vii. Traffic Impact Study (refer to *Appendix A Traffic Impact Study*).
 - viii. Traffic Circulation Plan (on-site and off-site and vehicular and pedestrian).
 - ix. Landscape Plan (refer to *Section III.3 Landscape Standards*).
 - x. Lighting plan.
 - xi. Parking Plan (refer to *Section III.4.2 Parking Requirements*).
 - xii. Utility plans.
 - xiii. Signage, including entrance treatment plans.
 - xiv. Soil Erosion and Sediment Plan.
 - xv. Statement of Intent. Describe the intended Use of the proposed development, including public and private Uses, the number of new Lots per Block, the number of new residential units by type, the new commercial or industrial Uses by square feet, number of employees and other Users, number of parking spaces provided, and quantity (acreage) of open space.
- E. Review Criteria.** The Site Plan Review application shall be reviewed using the following criteria.
- 1. The proposed plan is in accordance with the purposes and intent of the Comprehensive Plan, the requirements of these Land Development Regulations, and the intent and requirements of other development policies of the City.
 - 2. The proposed plan is designed to be consistent with the intent, character, and planning criteria of the Zoning District (refer to *Section II.1 Zoning Regulations*) in which it will be located.
 - 3. The proposed plan shall not adversely impact the intent and planning criteria of any adjacent Zoning District(s) or the Use (refer to *Section II.1 Zoning Regulations* and *Section II.2 Uses*) and enjoyment of surrounding properties.
 - 4. The proposed plan is served by or provides essential public facilities, such as vehicular and pedestrian access, open space, and services such as emergency services and utilities and these public facilities and services have sufficient capacity to the site.
 - 5. The proposed plan is designed regarding preserving the unique environment and topography of the city, including areas of slope, existing vegetation, and natural drainage ways.
- F. Optional Preliminary Site Plan.** An applicant may choose to apply for preliminary site plan review by the Code Administrator and the MPC to prepare for a full site plan

submittal. The preliminary site plan shall follow all requirements found in *Section I.4.6 Site Plans*. Including application, process and public hearing, notice requirements but may include only items required in *Section I.4.6(D) Minor Site Plan Review Application* for submittal for review by the MPC.

G. **Application Process.** The following specific application process shall apply to all Site Plan Review Applicants.

1. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section I.4.6(D) Minor Site Plan Review Application* to the Code Administrator per the preapplication meeting schedule.
 - (1) Applicant shall simultaneously submit plans to the agencies listed on the application, including police, fire, Lakeland School System and appropriate utility companies.
 - (2) Application shall not be considered complete and eligible for docketing for any board or the MPC until all submission requirements have been met and a Complete Application has been received.
 - (3) Applicant may withdraw application twenty- four hours or more in advance of any MPC meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sets are required for reapplication.
2. **Administrative Review.** The Code Administrator, City staff, and applicable review boards shall review the plan sets using the criteria outlined in *Section I.4.6 Site Plans*. The Code Administrator shall complete a report with recommendations for the boards and MPC.
3. **Other Board Review.** The Design Review Commission (DRC), Natural Resources Board (NRB), and Parks and Recreation Board (PRB), if applicable shall review the site plan application per the provisions in these Land Development Regulations.
 - (1) DRC shall review the application utilizing the criteria outlined in *Section I.4.6 Site Plans* and *Section I.4.9.5 Review Criteria*.
 - (2) NRB shall review the application utilizing the criteria in *Section III.2 Open Space Type Standards*, if Restoration Management Plan, Tree Bank contribution, or a Conservation Zoning District is included.
 - (3) PRB shall review the application for public projects utilizing the criteria in these Land Development Regulations referencing the Recreation Master Plan.
 - (4) DRC and NRB, and PRB as may be applicable, shall provide their

recommendation for approval, approval with conditions, or disapproval of the application to the MPC.

4. **MPC Consideration and Action.** The MPC shall hold a public hearing to consider the site plan application and the recommendations of other boards and commissions.
 - (1) **Hearing Notice.** Notice shall be provided through publication, mailing, and posted sign. Refer to IV.1.D. Notice Specifications for detailed requirements.
 - (2) **MPC Hearing.** The MPC shall review the Code Administrator's report, other board recommendation (if applicable), and the application utilizing the criteria detailed in *Section I.4.6. Site Plans*.
 - i. The MPC shall review and consider the site plan within sixty (60) days of submittal of a complete application.
 - ii. MPC shall approve, approve with conditions, or disapprove the site plan no later than sixty (60) days from its initial consideration of the application.
 - iii. The action period may be extended with the Applicant's written consent or until the regularly scheduled MPC meeting after the period, if municipal offices are closed due to an unforeseen event during the action period.
 - iv. Prior to the close of the public meeting, MPC may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
5. **Expiration of Approval.** Approval of the site plan shall lapse if permits for construction are not submitted for review and approval within twelve (12) months or if an applicable development contract (if required) expires.
 - (1) Applicant may request an extension if done so in writing at least sixty (60) days prior to the end of the twelve (12) month period.
 - (2) Failure to act within the twelve (12) month period shall require a new site plan application, including form, fees, and plans.
6. **Action Upon Approval.**
 - (1) If Public or Common Improvements are required for development of the site plan or certain private improvements are required per the conditions of approval, a development contract per *Section I.5 Development Contracts* may be required by the City.
 - (2) If a development contract is not required by the City, compliance with the conditions of approval shall be a condition of the Certificate of Compliance.
 - (3) Applicant shall provide copies of the approved site plan for filing within City Hall.

H. **Procedure for Minor Adjustments.** Minor adjustments to an approved site plan may be permitted by the Code Administrator, if the adjustments are within the scope and intent of the original approval.

1. Applicant shall submit a revised site plan and letter detailing the changes to the Code Administrator.
2. After review, the Code Administrator shall notify the Applicant if the revisions are considered Minor Adjustments and if they are approved. Minor Adjustments may include:
 - (1) Modification in the location of a structure(s) by not more than ten (10) feet, assuming all Building Type requirements (refer to *Section II.1 Zoning Regulations*) are still met.
 - (2) Modification in the location of a street or Access Point by not more than ten (10) feet, assuming all Building Type and Street Type requirements (refer to *Section II.1 Zoning Regulations* and *Section IV.1 Street Type Standards*) are still met.
 - (3) Modification in the location of any open space, if all Open Space Standards (refer to *Section III.2 Open Space Type Standards*) are still met.
 - (4) Modification of the final grade by not more than ten (10) percent of the approved grade.
 - (5) Alteration in the type of landscaping provided, assuming all Landscape Screening requirements (refer to *Section III.3 Landscape Standards*) are still met.
3. If the revisions are deemed to be Major Adjustments to the approved site plan, the Applicant shall seek Site Plan Review (refer to *Section I.4.6.2 Site Plan Review*) approval for the new plan, including a new application (including a new application form, fees, and plan sets).
4. **Appeal.** Applicant may appeal the Code Administrator's decision regarding Minor Adjustments through the BOA per the Zoning Administrative Appeal process (*Section I.4.7.4 Zoning Administrative Appeal*).

4.7. ZONING

4.7.1. REZONING

- A. **Intent.** The Rezoning process allows the City to review requests for changes in a Lot's and or Property's (or group of properties) Zoning District designation.

- B. **Applicability.** A Rezoning change the Zoning District (refer to *Section II.1 Zoning Regulations*) designation allowing a Parcel to be utilized or developed for a purpose or Use not permitted under the current designation.
- C. **Eligible Applicant.** An owner may apply for Rezoning provided that a Preapplication Conference (*Section 4.2 Preapplication Conference*) was completed within the six (6) months prior to application. The Code Administrator or the MPC, on behalf of any City department or the BOC, may also make an application.
- D. **Application.** The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.
1. **Application Form and Fee.** If the Applicant is not the City, an application shall be completed, and fees paid. Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
 2. **Digital and Paper.** All Plats and plans shall be submitted in both digital and paper format.
 3. **Rezoning Plan Requirements.**
 - (1) A Plat of survey with metes and bounds legal description and property identification number.
 - (2) The plan shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and shall include the date and north arrow, as well as the following information:
 - i. Present and proposed zoning designation and proposed Use of each Parcel in question.
 - ii. The recommended land Use classification contained in the adopted Land Use Plan of the City.
 - iii. Map of proposed Building and Open Space Types (refer to *Section IV.1 Street Type Standards*) and Streamside Buffers (refer to *Section IV.4 Streamside Management Buffers*) per Lot.
 4. **Additional Requirements.** Applicant shall provide the following unless determined unnecessary by the Code Administrator.
 - (1) **Traffic Impact Study** (refer to *Appendix A Traffic Impact Study*).
 - (2) **Vicinity Map.** A vicinity map showing the subject property and all other Parcels, buildings, structures, Rights-of-Way, and Zoning Districts within one thousand (1,000) feet of the outer boundary of the Parcel under consideration.

- (3) When in conjunction with Preliminary Plat, all submittals for Preliminary Plat are required.

E. **Review Criteria.** The application for Rezoning a Parcel shall be reviewed utilizing the following criteria:

1. The requested change is in accordance with the intent and purpose of the City's Comprehensive Plan and other development policies of the City or, if not, additional attention is given to the reasons for deviating from the intent and purposes of these City policies.
2. The application is consistent with the intent and standards of these Land Development Regulations, including any existing, applicable plat restrictions and Zoning District and Use regulations (refer to *Section II.1 Zoning Regulations* and *Section II.2 Uses*) requested; and the rezoning shall not adversely impact any adjacent Zoning Districts.
3. No one property Owner or small group of property Owners shall benefit materially from the change to the detriment of the public.
4. The application is in the interest of the public health, safety, and welfare.
5. Adequate public infrastructure exists to serve the full range of Uses permitted and conditionally permitted in the proposed Zoning District.
6. In addition, a rezoning request may be considered inappropriate to the context and/or premature, if any of the following are expected by the City at the time of the application:
 - (1) The size of the expected land Uses is not considered supportable soon or within the applicable planning horizon, when considering traffic levels and patterns, population, and other measures for the applicable market area for the land Uses indicated.
 - (2) The impact on natural resources is anticipated to substantially deviate from the recommendations of the Comprehensive Plan or from the intent of these Land Development Regulations.
 - (3) The resulting Subdivision design and mix of building types which would be congruent with the proposed Zoning district, are considered out of context with existing and proposed developments in the nearby general area, where such existing area has been predominantly built up.

F. **Application Process.** The following specific application process shall apply to all Rezoning Applicants.

1. **Submit Complete Application.** Applicant shall submit the application, fee, and all

required plans and documentation per Section *I.4.7.1(D) Rezoning Application* to the Code Administrator per the Preapplication meeting schedule.

- (1) Application shall not be considered complete and eligible for docketing for the MPC until all submission requirements have been met and a Complete Application has been received.
 - (2) Applicant may withdraw application twenty-four hours or more in advance of any MPC or BOC meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sets are required for reapplication.
2. **Administrative Review.** The Code Administrator and City staff shall review the Rezoning application in accordance with the criteria outlined in *Section I.4.7.1(E) Review Criteria* and shall complete a report with recommendations for the MPC.
3. **MPC Hearing.** The MPC shall hold a hearing to facilitate public comment on the Rezoning application.
 - (1) **Hearing Notice.** Notice shall be provided through publication, mailing, and physical posting of a sign. Refer to *Section I.4.1.1 Public Hearing Notification Requirements* for detailed requirements.
 - (2) **MPC Review and Action.** The MPC shall consider the Code Administrator's report and the application utilizing the criteria detailed in *Section I.4.7.1(E) Review Criteria*.
 - i. MPC shall recommend approval or disapproval of the application no later than seventy-five (75) days from receipt of the Complete Application.
 - ii. Prior to the close of the public meeting, MPC may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
 - iii. The findings of the MPC shall be enumerated in the minutes and included in the report to the BOC.
4. **BOC Hearing.** The BOC shall hold a public hearing on the Rezoning application.
 - (1) **Hearing Notice.** Notice shall be provided through publication and mailing. Refer to IV.1.D. Notice Specifications for detailed requirements.
 - (2) **BOC Consideration and Action.** The BOC shall consider the application, Code Administrator's report, MPC findings, and hearing testimony utilizing the criteria in *Section I.4.7.1(E) Review Criteria*. However, the decision to amend the Zoning Map is a matter committed to the legislative discretion of the BOC.
 - i. BOC shall approve, approve with conditions, or disapprove the application no later than ninety (90) days from the MPC's recommendation.

- ii. **First Discussion.** The BOC shall review the application and determine whether to docket for the next meeting.
 - iii. **First Reading.** The BOC shall review the application and either disapprove the amendment or continue the process.
 - iv. **Public Hearing.** The BOC shall hold a public hearing to gather public comment.
 - v. **Second Reading.** The BOC shall review the application through a second reading.
 - vi. Prior to the close of the public meeting, BOC may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
 - vii. If the MPC recommended disapproval of the Rezoning application, a favorable vote from a Supermajority of the entire membership of the BOC is required to approve the amendment.
5. **Action Upon Approval.** The City Recorder shall update the Zoning Map noting the ordinance number and effective date of such amendment.
6. **Action Upon Disapproval.** If disapproved, a new application (including a new application form, fees, and plan sets) may only be submitted after a twelve (12) month period, unless the application involves a different proposed Zoning designation.

4.7.2. AMENDMENT TO ZONING REGULATIONS

- A. **Intent.** The process to amend the Zoning Regulations allows the City to review and revise the Zoning Regulations from time to time.
- B. **Applicability.** All the regulations and provisions stated in the graphics, tables, and text of the Zoning Regulations may be amended, supplemented, or changed.
- C. **Eligible Applicant.** An Amendment may be initiated by the Code Administrator, the MPC, BOA, BOC, or any person with an actual interest.
- D. **Application.** The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.
 - 1. **Application Form and Fee.** Interested persons shall apply and pay all fees. Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
 - 2. **Digital and Paper.** All proposed amendments shall be submitted in both digital and paper format.
 - 3. **Proposed Amendment.** Applicant shall submit the proposed amendment

language to the Code Administrator including the respective Section(s), justification and other information as deemed appropriate by the Code Administrator. The Code Administrator and City staff, during their review, may recommend revisions.

E. **Review Criteria.** The application for an Amendment shall be reviewed utilizing the following criteria.

1. The proposed Amendment is in accordance with the intent and purposes of the Comprehensive Plan and other development policies of the City or, if not, additional attention is given to the reasons for deviating from these City policies.
2. The application is consistent with the intent and standards of these Land Development Regulations.
3. No one property Owner or small group of property Owners shall benefit materially from the change to the detriment of the public.
4. The application is in the interest of the public health, safety, and welfare.

F. **Application Process.** The following specific application process shall apply to all Amendment applications.

1. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section 1.4.7.2(D) Amendment to Zoning Regulations Application* to the Code Administrator per the preapplication meeting schedule. If amendment process is initiated by the City, no application is required.
 - (1) Application shall not be considered complete and eligible for docketing for the MPC until all submission requirements have been met and a Complete Application has been received.
 - (2) Applicant may withdraw application twenty-four hours or more in advance of any MPC or BOC meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sets are required for reapplication.
2. **Administrative Review.** The Code Administrator and City staff shall review the application in accordance with the criteria outlined in *Section 1.4.7.2(E) Review Criteria* and shall complete a report with recommendations for the MPC no later than forty-five (45) days from receipt of the Complete Application.
3. **MPC Hearing.** The MPC shall hold a hearing to review the proposed Amendment.
 - (1) **Hearing Notice.** Notice shall be provided through a publication. Refer to *Section 1.4.1.1 Public Hearing Notification Requirements* for detailed requirements.
 - (2) **MPC Review and Action.** The MPC shall consider the Code Administrator's

report and the application utilizing the criteria detailed in *Section I.4.7.2 (E) Review Criteria*.

- i. MPC shall recommend approval or disapproval of the proposed Amendment no later than ninety (90) days from receipt of the Complete Application.
 - ii. The ninety (90) day action period may be extended with the Applicant's written consent or until the regularly scheduled MPC meeting after the ninety (90) period, if municipal offices are closed due to an unforeseen event during the action period.
 - iii. Prior to the close of the public hearing, MPC may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
 - iv. The findings of the MPC shall be enumerated in the minutes and included in the report to the BOC.
4. **BOC Hearing.** The BOC shall hold a public hearing to review the review the proposed amendment.
- (1) **Hearing Notice.** Notice shall be provided through a publication. Refer to *Section I.4.1.1 Public Hearing Notification Requirements* for detailed requirements.
 - (2) **BOC Consideration and Action.** The BOC shall consider the proposed Amendment, Code Administrator's report, MPC findings, and hearing testimony utilizing the criteria in *Section I.4.7.2(E) Review Criteria*. However, the decision to amend the text of the Zoning Regulations is a matter committed to the legislative discretion of the BOC.
 - i. BOC shall approve, approve with conditions, or disapprove the application no later than ninety (90) days from the MPC's recommendation.
 - ii. The ninety (90) day action period may be extended with the Applicant's written consent.
 - iii. First Discussion. The BOC shall review the application and determine whether to docket for the next meeting.
 - iv. First Reading. The BOC shall review the application.
 - v. Public Hearing. The BOC shall hold a public hearing to gather public comment.
 - vi. Second Reading. The BOC shall review the application through a second reading.
 - vii. Prior to the close of the public meeting, BOC may hold a matter under

advisement or defer a decision until the next regularly scheduled meeting.

viii. If the MPC recommends disapproval of the Zoning Regulations amendment application, a favorable vote from the Supermajority of the entire membership of the BOC is required to approve the amendment.

5. **Action Upon Disapproval.** If disapproved, a new application (including a new application form, fees, and plan sets) may only be submitted after a twelve (12) month period, unless the application involves a different amendment proposal.

4.7.3. ZONING VARIANCE

- A. **Intent.** The Zoning Variance process allows the City flexibility in the application of the Zoning Regulations, if certain criteria are met.
- B. **Applicability.** A Variance may be requested to relieve a difficulty or hardship from:
1. Exceptional narrowness, shallowness, or shape of a Lot at the time of enactment of these Land Development Regulations.
 2. Exceptional topography or other extraordinary and exceptional situation or condition of such Lot.
- C. **Eligible Applicant.** Any Applicant may apply for a Zoning Variance from the Zoning Regulations of these Land Development Regulations.
- D. **Application.** The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.
1. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
 2. **Digital and Paper.** All Plats and plans shall be submitted in both digital and paper format.
 3. **Plan Requirements.**
 - (1) A Plat of survey with metes and bounds legal description and property identification number.
 - (2) The plan illustrating the variance request(s) shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and shall include the date and north arrow.
- E. **Review Criteria.** The application for a Zoning Variance shall be reviewed utilizing the following sets of criteria.
1. The strict application of the Zoning Regulations results in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the Applicant.

2. If granted, relief shall not cause substantial detriment to the public good and without substantially impairing the intent and purposes of the Comprehensive Plan and these Land Development Regulations.
3. Financial disadvantage to the Owner is not proof of hardship within the purpose of Zoning.
4. The BOA shall not grant the variance unless it makes findings based upon evidence presented as follows:
 - (1) **Physical or Topographical Conditions.** The physical surroundings, shape, or topographic conditions of the specific property involved would result in a hardship upon the Owner as distinguished from a mere inconvenience, if the strict application of these Land Development Regulations were carried out.
 - (2) **Relationship to other Properties within the District.** The conditions upon which the Application is based would not be applicable, generally, to other property within the same district.
 - (3) **Permitted Activity.** The variance shall not authorize activities in a Zoning district other than those permitted by these Land Development Regulations.
 - (4) **Financial Implications.** The variance is not based solely on financial returns.
 - (5) **Self-created Hardship.** The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of these Land Development Regulations.
 - (6) **Special Privilege.** Granting the variance shall not confer on this Applicant any special privilege that is denied by these Land Development Regulations to other lands, structures, or building in the same district.
 - (7) **Minimum Variance Required.** The variance is the minimum variance that will make possible the reasonable Use of the land, building, or structure.
 - (8) **Effect on Public Welfare.** The variance shall not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located.
 - (9) **Effect on Adjacent Properties.** The variance shall not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
 - (10) **Nonconforming Status.** The variance is not based on the presence of nonconforming Use of neighboring lands, structures or buildings in the same

district.

- (11) **Prohibited Uses.** Under no circumstances shall the BOA grant a variance to allow a Use not permissible under the terms of these Land Development Regulations in the district involved, or any Use expressly or by implication prohibited by the terms of these Land Development Regulations in said district.
- (12) **Appropriate Uses.** If a Use is not listed, but meets the criteria detailed in the category description or other info as may be provided, the BOA may interpret the Use as appropriate.
- (13) **Inappropriate Uses.** If a Use is not listed and does not meet the criteria in the category description, the Code Administrator shall interpret the Use as inappropriate; this Use shall only be permitted through amendment of these Land Development Regulations. A Variance of Use is not permitted.

F. **Application Process.** The following specific application process shall apply to all Zoning Variance Applicants.

1. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section 1.4.7.3(D) Zoning Variance Application* to the Code Administrator per the BOA meeting schedule.
 - (1) Application shall not be considered complete and eligible for docketing for the BOA until all submission requirements have been met and a Complete Application has been received.
 - (2) Applicant may withdraw application twenty-four hours or more in advance of any BOA meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sets are required for reapplication.
 - (3) Applicant may not submit additional materials after submittal of the Complete Application, or the application is rejected, and the Applicant shall schedule a new Pre-Application conference to restart the process.
2. **Administrative Review.** The Code Administrator, City staff, and applicable review boards shall review the Zoning Variance application in accordance with the criteria outlined in *Section 1.4.7.3(C) Review Criteria* and shall complete a report with recommendations for the BOA.
3. **BOA Hearing.** The BOA shall hold a public hearing to review the proposed Variance.
 - (1) **Hearing Notice.** Notice shall be provided through publication, mailing, and physical posting of a sign. Refer to *Section 1.4.1.1 Public Hearing Notification*

Requirements for detailed requirements.

- (2) **BOA Consideration and Action.** The BOA shall consider the Code Administrator's report and the application utilizing the criteria detailed in *Section I.4.7.3(C) Review Criteria*.
- i. BOA shall approve, approve with conditions, or disapprove the Zoning Variation application no later than seventy-five (75) days from receipt of the Complete Application.
 - ii. The action period may be extended with the Applicant's written consent or until the regularly scheduled BOA meeting after the ninety (90) period, if municipal offices are closed due to an unforeseen event during the action period.
 - iii. Prior to the close of the public meeting, BOA may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
 - iv. The BOA shall hear and decide the application. (e) The BOA may impose such conditions and restrictions upon the approval of the application as may be necessary to reduce or minimize the injurious effect of such variation upon adjacent properties and/or to better carry out the general intent of these Land Development Regulations.

4.7.4. ZONING ADMINISTRATIVE APPEAL

- A. **Intent.** The Zoning Administrative Appeal process allows the review of any decision made by the Code Administrator or other City official in carrying out or enforcing the Zoning Regulations.
1. This process is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions, and to provide a local procedure for their review and correction.
 2. This process is not intended to subvert either the clear purposes, intent, or meaning of these Land Development Regulations or the rightful authority of the Code Administrator to enforce these regulations.
 3. BOA, in reviewing these cases, shall give all proper deference to the spirit and language of these Land Development Regulations and to the reasonable interpretations of those charged with its administration.
- B. **Applicability.** An Applicant may appeal to the BOA a decision made by the Code Administrator or other City official in carrying out or enforcing the Zoning Regulations.
1. Unless otherwise specified in this Article, Appeal of any other decisions made

pursuant to these Land Development Regulations shall be made to a court of record per the laws of the State of Tennessee.

- C. **Eligible Applicant.** Any Applicant, Aggrieved Party with an actual interest, department, board, or office of the City, or their authorized representative may request a Zoning Administrative Appeal within thirty (30) days of the Code Administrator's or other City official's decision.
- D. **Application.** The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.
1. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
 2. **Digital and Paper.** All Plats and plans shall be submitted in both digital and paper format.
 3. **Plan Requirements.** Resubmit all Plats and plans reviewed during the initial action.
- E. **Application Process.** The following specific application process shall apply to all Zoning Administrative Appeal Applicants.
1. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section 1.4.7.4(E) Zoning Administrative Appeal Application Process* to the Code Administrator per the BOA meeting schedule.
 - (1) Application shall not be considered complete and eligible for docketing for the BOA until all submission requirements have been met and a Complete Application has been received.
 - (2) Applicant may withdraw application twenty- four hours or more in advance of any BOA meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sets are required for reapplication.
 2. **Administrative Review.** The Code Administrator and City staff shall review the Zoning Administrative Appeal application and shall complete a report with recommendations for the BOA.
 3. **BOA Consideration and Action.** The BOA shall review the Code Administrator's report and the application by considering the merits of the individual appeal within the context of all standards and considerations established in these Land Development Regulations.
 - (1) BOA shall grant or deny the appeal no later than ninety (90) days from receipt

of the Complete Application.

- (2) The ninety (90) day action period may be extended with the Applicant's written consent or until the regularly scheduled BOA meeting after the ninety (90) period, if municipal offices are closed due to an unforeseen event during the action period.
- (3) Prior to the close of the public meeting, BOA may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
- (4) The BOA shall render a decision that shall reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of issue.
- (5) The BOA shall have all the powers of the official or body from whom the appeal was taken and may direct the issuance of a permit.

4.8. CONDITIONAL USE PERMIT

4.8.1. INTENT

A Conditional Use Permit allows the City to review requests to allow Uses or development types designated within these Land Development Regulations as potential Conditional Uses to be permitted in certain locations, under certain conditions, based on an evaluation of the potential negative impacts associated with the Use.

- A. Each Conditional Use Permit application possesses characteristics of such unique and distinct form that each specific application shall be considered on an individual case.
- B. The granting of a Conditional Use Permit does not negate the requirements for any other permit or the need to satisfy any other requirement of these Land Development Regulations.

4.8.2. APPLICABILITY

In order that these Land Development Regulations be flexible and reasonable, certain Uses (refer to *Section II.2 Uses*) and development types (refer to *Section II.1 Zoning Regulations*) are designated as conditional. To be developed, these require a permit granted by the BOA and shall adhere to all applicable standards, in addition to all other requirements of these Land Development Regulations.

4.8.3. ELIGIBLE APPLICANT

An Applicant may apply for a Conditional Use Permit, provided that a Preapplication Conference (*Section I.4.2 Preapplication Conference*) was completed within the six (6) months prior to application.

4.8.4. APPLICATION

The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.

- A. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
- B. **Digital and Paper.** All Plats and plans shall be submitted in both digital and paper format.
- C. **Plan Requirements.**
 - 1. A Plat of survey with metes and bounds legal description and property identification number.
 - 2. The plan shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and shall include the date and north arrow, as well as the following information:
 - (1) Present and proposed Zoning District and Use of each Parcel in question.
 - (2) The recommended land Use classification contained in the adopted Land Use Plan of the City.
 - (3) Exhibits required to satisfy the Conditional Use or other applicable standards as outlined in *Section II.2 Uses*, *Section II.1 Zoning Regulations*.
- D. **Additional Requirements.** Applicant shall provide the following.
 - 1. Building Type information, including proposed square footage and height.
 - 2. Traffic Impact Study (refer to *Appendix A Traffic Impact Study*), if traffic is to be analyzed as a condition of the Use. (refer to *Section II.2 Uses*).
 - 3. **Vicinity Map.** A vicinity map showing the subject property and all other Parcels, buildings, structures, Rights-of-Way, and Zoning Districts within one thousand (1,000) feet of the outer boundary of the Parcels under consideration, or a minimum of three (3) Owners, whichever is greater.
 - 4. **Justification.** Justification of the conditional use including consistency with the City's Comprehensive Plan, these regulations, and other supporting materials.

4.8.5. REVIEW CRITERIA

The application shall be reviewed using the following criteria.

- A. The proposed development is in accordance with the intent and purpose of the Comprehensive Plan and other development policies of the City.
- B. Public safety, health, and welfare are not negatively impacted by its approval.

- C. The character of the neighborhood and district in which the Conditional Use is requested shall not be negatively impacted from the Applicant's proposal; its location; intensity; and the height of its buildings, walls, fences, and other structures.
- D. The proposed development is consistent with the intent and planning criteria of the district in which it is proposed.
- E. All criteria detailed in *Section II.2 Uses*, and *Section II.1 Zoning Regulations* that pertain to the proposed development are satisfied.
- F. The operations of the proposed development shall not be environmentally objectionable to nearby properties due to noise, fumes, pollution, vibration, dust, traffic, signage, or lights to an extent that is more than would be the operations of any Use or activity permitted by right for that district where the Conditional Use is proposed.

4.8.6. APPLICATION PROCESS

The following specific application process shall apply to all Conditional Use Permit Applicants.

- A. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section I.4.8.4 Conditional Use Permit Application* to the Code Administrator per the BOA meeting schedule.
 - 1. Application shall not be considered complete and eligible for docketing for the BOA until all submission requirements have been met and a Complete Application has been received and determined as complete by the Code Administrator.
 - 2. Applicant may withdraw application twenty- four hours or more in advance of any BOA meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sets are required for reapplication.
- B. **Administrative Review.** The Code Administrator and City staff shall review the Conditional Use Permit application in accordance with the criteria outlined in *Section I.4.8.5 Review Criteria* and shall complete a report with recommendations for the BOA no later than thirty-five (35) days from receipt of the Complete Application.
- C. **BOA Hearing.** The BOA shall hold a public hearing to review the proposed application.
 - 1. **Hearing Notice.** Notice shall be provided through publication, mailing, and physical posting of a sign. Refer to *Section I.4.1.1 Public Hearing Notification Requirements* for detailed requirements.
 - 2. **BOA Consideration and Action.** The BOA shall consider the Code

Administrator's report and the application utilizing the criteria detailed in *Section I.4.8.5 Review Criteria*.

- (1) BOA shall approve, approve with conditions, or disapprove the Conditional Use Permit application no later than seventy-five (75) days from receipt of the Complete Application.
 - (2) The seventy-five (75) day action period may be extended with the Applicant's written consent or until the regularly scheduled BOA meeting after the action period, if municipal offices are closed due to an unforeseen event during the action period.
 - (3) Prior to the close of the public meeting, BOA may hold a matter under advisement or defer a decision until the next regularly scheduled meeting.
 - (4) The BOA shall hear and decide the Conditional Use Permit.
 - (5) The BOA may impose such conditions and restrictions upon the approval of the application as may be necessary to reduce or minimize the injurious effect of such variation upon adjacent properties and/or to better carry out the general intent of these Land Development Regulations.
3. **Action Upon Approval.** All approved plans, conditions, restrictions, and requirements made part of the approval by the BOA shall run with the land and the Conditional Use permitted for the land shall conform to same always.
- D. **Expiration of Approval.** The Applicant is required to begin construction of the approved Conditional Use within twelve (12) months of BOA approval and/or to fully establish said Use within twenty-four (24) months of approval.
1. Failure to begin construction on the approved Use or to establish the Use within the prescribed time shall result in an expiration of the approval and the permit is no longer valid.
 2. The Applicant may request an extension of up to six (6) months, if requested in writing to the Code Administrator at least sixty (60) days prior to the expiration of the prescribed time.

4.9. DESIGN REVIEW COMMISSION

4.9.1. INTENT

The Design Review Commission (DRC) shall review new construction or development having an influence upon the City's appearance and character to determine whether the proposed building(s), lighting, landscape, fencing, or structure(s) will conform to proper design and or architectural standards per *Article III Development and Design Standards*

and *Article IV Engineering Standards* of these Land Development Regulations and be conducive to the proper aesthetic development of the city.

4.9.2. APPLICABILITY

The DRC shall review and make recommendations to MPC on all Site Plan and to City staff on all Minor Site Plan applications, and Preliminary Plats that include any of the following.

- A. Facade design and materials per *Section III.1 Architectural Standards* for both new construction and modification of existing non- single-family buildings and their Accessory Structures.
- B. Facade modification of all historic buildings or structures.
- C. Certain fence installation per *Section III.3.15 Fences and Walls*.
- D. All Subdivision entrance treatments.
- E. Signs.
- F. Wireless Transmission Facilities.
- G. All landscape required per *Section III.3 Landscape Standards*.
- H. All lighting per *Section III.6 Site Lighting*.
- I. All designated historic sites.

4.9.3. ELIGIBLE APPLICANT

Any Applicant applying for Site Plan or Minor Site Plan that includes the applicable buildings or structures is automatically docketed for the Design Review Process.

4.9.4. APPLICATION

The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.

- A. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
- B. **Digital and Paper.** All Plats and plans shall be submitted in both digital and paper format.
- C. **Plan Requirements.**
 - 1. A Plat of survey with metes and bounds legal description and property identification number.
 - 2. The site plan shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and include the date and north arrow.

3. Architectural elevations (all Facades) for all structures and buildings.

D. Fence Height Justification.

1. Fence Height Justification shall be provided for heights different than what is required in *Article III.3 Landscape Standards*.

4.9.5. REVIEW CRITERIA

The application for Design Review shall be reviewed utilizing the following criteria.

- A. The plans conform with standards in *Article III Development and Design Standards*.
- B. The proposed buildings or structure's relationship to adjacent structures and the Right(s)-of-Way.
- C. The character of the Zoning District in which the structure is located.
- D. The plans conformance to the Comprehensive Plan, these Land Development Regulations, and all other City development codes.
- E. The plan's design in relation to preserving the unique environment and topography of Lakeland, including areas of slope, existing vegetation, and natural drainage ways.

4.9.6. APPLICATION PROCESS

The following specific application process shall apply to all Applicants for Design Review of applicable projects.

- A. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section 1.4.9.4 Design Review Commission Application* to the Code Administrator per the DRC meeting schedule.
 1. Application for a Site Plan Review (refer to *Section 1.4.6.2 Site Plan Review*) or Minor Site Plan Review (refer to *Section 1.4.6.1 Minor Site Plan Review*) shall be deemed an application for Design Review; additional application per the parameters outlined in *Section 1.4.9 Design Review Commission* is not necessary.
 2. Application shall not be considered complete and eligible for docketing for the DRC until all the submission requirements have been met and a Complete Application has been received.
 3. Applicant may withdraw application twenty- four hours or more in advance of any DRC meeting by submitting a request in writing to the Code Administrator; new form, fees, and plan sets are required for reapplication.
- B. **Administrative Review.** The Code Administrator and City staff shall review the DRC application and shall complete a report with recommendations for the DRC no later than forty-five (45) days from receipt of the Complete Application.

C. **DRC Review.** The DRC shall review the Code Administrator's report and the application utilizing the criteria outlined in *Section 1.5.9.5 Review Criteria*.

1. DRC shall recommend approval, approval with conditions, or disapproval no later than sixty (60) days from receipt of the Complete Application.
2. The action period may be extended with the Applicant's written consent or until the regularly scheduled DRC meeting after the period, if municipal offices are closed due to an unforeseen event.

D. **Action Upon Approval.**

1. If the plan(s) was reviewed in conjunction with a Site Plan Review application, the DRC's recommendation and minutes of the meeting are provided to the MPC for their and consideration and action by the Code Administrator.
2. In all other cases, DRC's recommendation is transmitted to the Code Administrator, who will review the decision and, if appropriate, direct the issuance of the necessary permit(s).

E. **Appeal.** If the Code Administrator denies the permit, Applicant may appeal decision per the Zoning Administrative Appeals process (*Section 1.4.7.4 Zoning Administrative Appeal*).

4.10. CERTIFICATE OF COMPLIANCE

4.10.1. INTENT

To ensure that both a Use and the structure in which it is located meets the standards of these Land Development Regulations prior to commencing the Use.

4.10.2. APPLICABILITY

A Certificate of Compliance is required anytime a Use changes to a different or more intense Use, including a new Use in a previously vacant unit, building, or site whether a building permit is required.

- A. Application for a building permit shall be deemed an application for a Certificate of Compliance; additional application is not necessary.
- B. Accessory structures do not require separate certificates of Compliance, unless detailed in *Section 11.2.3 Accessory Uses and Structures*.

4.10.3. ELIGIBLE APPLICANT

Any Applicant may apply for a Certificate of Compliance.

4.10.4. APPLICATION

The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.

- A. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
- B. **Digital and Paper.** The Use description shall be submitted in both digital and paper format.
- C. **Use Description.** A description of the new Use shall be provided in addition to the application.

4.10.5. REVIEW CRITERIA

The application for a Certificate of Compliance will be reviewed based upon the standards in these Land Development Regulations and other applicable City development codes.

4.10.6. APPLICATION PROCESS

The following specific application process shall apply to all Certificate of Compliance Applicants.

- A. **Submit Complete Application.** Applicant shall submit the application, fee, and all required documentation per *Section 1.4.10.4 Certificate of Compliance Application* to the Code Administrator.
 - 1. Application shall not be considered complete and eligible for review until all submission requirements have been met and a Complete Application has been received.
- B. **Inspection.** The Code Administrator will conduct an inspection no later than ten (10) business days from submission of the Complete Application.
- C. **Administrative Review.** Upon inspection and review of any known records relating to the site in question, the Code Administrator shall, no later than ten (10) business days from the inspection, provide the Applicant with one of the following.
 - 1. A Certificate of Compliance shall be granted if the Code Administrator receives a stamped letter of compliance from an engineer assuring compliance with all site lighting regulations and stamped letter of compliance from a Landscape Architect assuring compliance with all landscaping requirements, site meets the standards outlined in these Land Development Regulations, applicable County codes, all other applicable City development codes, and any additional conditions per

applicable development approvals. (amended Ordinance 17-254 9/14/2017)

2. A correction notice shall be provided in writing to the Applicant if the site does not meet the standards outlined in these Land Development Regulations and all other applicable City development codes.

- D. **Re-submission of Application.** If a Certificate of Compliance is not issued, the Applicant, upon meeting the requirements of the Code Administrator's correction notice, may request a second inspection. If the Certificate of Compliance is again denied, a new application and fee will be required to obtain the Certificate of Compliance. If additional site work or construction is needed to achieve compliance, a second inspection is required.
- E. **Appeal.** If disapproved, Applicant may appeal decision per the Zoning Administrative Appeal process (refer to *Section I.4.7.4 Zoning Administrative Appeal*).

4.11. TREE REMOVAL PERMIT

4.11.1. INTENT

To establish a process for reviewing tree removal requests.

4.11.2. APPLICABILITY

Tree Removal Permit is required on every Lot within all Zoning Districts for the removal of all Landmark and Specimen Trees and all other trees ten (10) DBH inches and greater, except on certain single-family Lots as detailed in *Section III.3.16 Tree Preservation and Management*.

- A. Tree farms with valid American Tree Farm System Certification or other third-party forestry certification (such as Sustainable Forestry Initiative) are required to submit a timber harvesting plan, which is consistent with *Section II.2 Uses*.
- B. All Landmark trees to be removed on Lots classified Agriculture (AG) and used for agricultural production (such as crops or livestock) are required to obtain a Tree Removal Permit unless the Landmark tree removal is part of a timber harvest, permitted activity, hazard mitigation, or agricultural production use.
- C. Application for Preliminary Plat (*Section I.4.3.2 Preliminary Plat*), Construction Plans (*Section I.4.4 Construction Plans*), Minor Site Plan review (*Section I.4.6.1 Minor Site Plan Review*), and Site Plan Review (*Section I.4.6.2 Site Plan Review*) shall be deemed as an application for a Tree Removal Permit. All requirements of *Section I.4.11 Tree Removal Permit* shall be met through any process.

4.11.3. ELIGIBLE APPLICANT

An Applicant and persons removing trees on someone else's behalf, including tree removal companies and utility companies may apply for a Tree Removal Permit.

4.11.4. APPLICATION

The Applicant shall submit the following to the Code Administrator to constitute a Complete Application. The Code Administrator may administratively waive certain application requirements if deemed unnecessary to complete the permit review and/or provide the needed records.

- A. **Application Form and Fee.** Applications shall be submitted to the Code Administrator in the form established by the Code Administrator, along with the appropriate application fee.
- B. **Digital and Paper.** All surveys and plans shall be submitted in both digital and paper format.
- C. **Plan illustrating reason for tree removal request.**
- D. **Tree Survey** (refer to *Section III.3.16 Tree Preservation and Management*).
- E. **Tree Replacement Plan** (refer to *Section III.3.16 Tree Preservation and Management*).
- F. **Timber Harvesting Plan.** For timber harvesting, a Timber Harvesting Plan is required the provisions in *Section II.2 Uses*.
- G. **Tree Bank Contributions.** Refer to *Section III.3.16 Tree Preservation and Management*.

4.11.5. REVIEW CRITERIA

All tree removal permits shall be reviewed using the following requirements:

- A. All requirements of Tree Management (refer to *Section III.3.16 Tree Preservation and Management*).
- B. Removal does not prevent the Lot from meeting the requirement of the Landscape Standards (refer to *Section III.3 Landscape Standards*), including Tree Canopy Coverage and landscape buffer requirements.
- C. The following shall be considered:
 - 1. The extent to which tree clearing shown avoids excessive clearing and still permits the Applicant to achieve the proposed development or land Use.
 - 2. The ability to reasonably preserve or transplant the trees in question.
 - 3. The desirability of preserving Landmark and Specimen Trees and other larger

healthy trees on the Permitted Tree List, available in City Hall.

4. The extent to which the area would be subject to environmental degradation due to removal of the trees.
 5. The extent to which the removal is to thin a wooded area to promote its health and development.
- D. Removal of the tree shall not adversely impact soil erosion or runoff.
- E. The following trees may be approved for removal without adherence to the Tree Management requirements (refer to *Section III.3.16 Tree Preservation and Management*).
1. Tree poses an imminent danger or interferes with existing utility service or traffic.
 2. A City plan or ordinance requires the location of infrastructure in the path of the tree.

4.11.6. APPLICATION PROCESS

The following specific application process shall apply to all Tree Removal Permit Applicants.

- A. **Submit Complete Application.** Applicant shall submit the application, fee, and all required plans and documentation per *Section I.4.11.4 Tree Removal Permit Application* to the Code Administrator.
1. Application shall not be considered complete and available for review until all submission requirements have been met and a Complete Application has been received.
 2. Applicant may withdraw application at any time, submitted in writing to the Code Administrator; new form, fees, and plan sets are required for reapplication.
- B. **NRB Review.** The NRB shall review the Tree Permit Application if any contribution to the Tree Bank is involved.
- C. **Administrative Review.** When submitted solely without another application or submitted with a Minor Site Plan or Construction Plan application, the Code Administrator, City staff, and applicable review boards shall review the Tree Removal Permit in accordance with the criteria outlined in *Section I.4.11.5 Review Criteria*.
1. Staff shall review and render a decision on the plans no later than forty-five (45) days from receipt of the Complete Application.
 2. The forty-five (45) days may be extended with Applicant's consent.
 3. Staff shall approve, approve with conditions, or disapprove the application, providing the conditions for approval or the reasons for disapproval in writing.

- D. **MPC Review.** When submitted with Preliminary Plat (*Section I.4.3.2 Preliminary Plat*) or Site Plan Review (*Section I.4.6.2 Site Plan Review*) application, the MPC shall review the Tree Removal Permit application simultaneously with the Preliminary Plat or Site Plan application.
1. MPC shall hear and decide the Tree Removal Permit application, providing the conditions for approval or the reasons for disapproval in writing.
- E. **Action Upon Approval.** If construction or building permits are to be requested, a tree protection plan (refer to *Section III.3.16 Tree Preservation and Management*) may be required to ensure that remaining trees are appropriately handled during the site disturbance.
- F. **Appeal.** If an administratively reviewed permit is disapproved, Applicant may appeal the decision per the Zoning Administrative Appeal process (refer to *Section I.4.7.4 Zoning Administrative Appeal*).

4.12. PLANNED DEVELOPMENTS

4.12.1. INTENT

This Section is intended to provide the means and guidelines through which tracts of land may be developed through an overall unified approach. It is intended to provide a maximum of design freedom to create a better living environment by making the best use of topography and land features, and by granting the developer an opportunity to more fully utilize the physical characteristics of the site that may otherwise not be possible through the standard subdivision approval process defined in the LDR. Through the requirements of a development plan, it is intended that a better environment will be achieved by the development of property through a unified design that provides continuity between the various uses and elements while still consistent with the intent of the LDR.

4.12.2. APPLICABILITY

- A. **Applicable Requirements.** The requirements for this Article of the Zoning Ordinance and those of the Engineering Standards shall apply to all Planned Developments. All actions of the Board of Commissioners pertaining to Planned Developments shall be based upon a recommendation by the Planning Commission.
- B. **Minimum Size Required.** There shall be a minimum area of five (5) acres to apply for a Planned Development.
- C. **Permitted Zoning Districts.** Planned Developments shall be permitted in all districts except for Floodway (FW).
- D. **Regulations of Zoning Districts.** Except as expressly modified by the Board of

Commissioners by approval of a Preliminary Development Plan (PDP), a Planned Development shall be governed by the regulations of the zoning district or districts specified in the planned development.

- E. **Standards Subject to Modification.** The uniqueness of each proposal for a planned development may require that such things as 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 Zoning Ordinance or Engineering Standards adopted by the Planning Commission. Modifications may be incorporated only with the review of the Planning Commission and approval of the Board of Commissioners as a variation in the preliminary approval of the subdivision, with the exception of administrative approvals that are otherwise permitted in this ordinance or in the Engineering Standards. Certain detail requirements should not be modified, including screening and buffer requirements, transitional provisions, landscaping, and street types. Such exceptions shall be consistent with the standards and criteria contained in this Article; no modification of the district requirements or engineering standards may be allowed when the modification would result in:
1. Inadequate or unsafe access to the development.
 2. Traffic volume exceeding the anticipated capacity of the existing or proposed street network in the vicinity of the development.
 3. Building, Fire, or other similar codes as adopted and enforced by the Tennessee Department of Commerce and Insurance, as may be amended from time to time.
 4. 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 Development; and,
 5. A development which will be incompatible with the purposes of this Ordinance.
- F. **Exceptions Supersede Conflicting Regulations.** Exceptions to the regulations that are approved under the provisions of this Article shall supersede any conflicting Engineering Standards and Zoning District restrictions in which the Planned Development is located. In no case shall the uses, intensities, or densities be varied, except as herein provided.

4.12.3. COORDINATION WITH OTHER PROVISIONS

- A. **Coordination with Tree Ordinance.** The requirements of *Section III.3 Landscape Standards* shall apply to all Planned Developments. A tree stand delineation is required with a PDP. Deferral of a full tree survey may be allowed to be provided with

the FDP, if utilized. If not deferred, all tree survey requirements shall be met and included with the PDP.

B. Coordination with Stream Management Buffer Requirements. The requirements of *Section IV.4 Streamside Management Buffers* shall apply to all Planned Developments.

1. At a minimum, the PDP shall include a watercourse determination by the Tennessee Department of Environment and Conservation, rationale for determining the stream basin size for each stream, the approximate location on the sketch plan and related documents along the entirety of each stream of the Zone 1 and Zone 2 streamside management buffer , and a note to reference any streamside management buffer stating: “there shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Lakeland”.
2. The PDP shall include the field delineated and surveyed existing and proposed forest cover within each streamside management buffer, hydric soils mapped in accordance with the Natural Resource Conservation Service NCRS soil survey of the site area, steep slopes greater than fifteen (15) percent for areas adjacent to and within two hundred (200) feet of streams, wetlands, or other water bodies, a narrative of the species and distribution of existing vegetation within each streamside management buffer, notations providing the locations of permanent boundary markers, location of each streamside management buffer required on any plat document, provide a note to reference any streamside management buffer stating: "there shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Lakeland", provide a note to reference any protective covenants governing all streamside management buffers stating: “any streamside management buffer shown hereon is subject to protective covenants that may be found in the land records and that restrict disturbance and use of these areas.”, and a complete streamside management buffer plan in accordance with *Section IV.4 Streamside Management Buffers* of the Lakeland Zoning Ordinance.

C. Other Provisions as identified and deemed appropriate by City Staff.

4.12.4. ELIGIBLE APPLICANT

Any applicant may apply for a Planned Development provided that a Preapplication Conference (*Section 1.4.2 Preapplication Conference*) was completed within the six (6) months prior to application.

4.12.5. REVIEW CRITERIA

All Planned Development Applications will be reviewed using the following requirements:

- A. **General Standards and Criteria.** The Board of Commissioners may grant Planned Development approval which modifies the applicable zoning and engineering standards upon written findings and recommendations by the Planning Commission which shall be forwarded pursuant to the provisions contained in this Article.
1. **Effect on Surrounding Property.** The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the City of Lakeland Comprehensive Plan and current development regulations.
 2. **Availability of Public Facilities.** Water supply, wastewater treatment and disposal and storm water drainage facilities are available and adequate to serve the proposed development.
 3. **Compatibility with Surrounding Uses** - The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses. Any part of the proposed development not used for structures, parking, loading areas or access ways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
 4. **Consistency with Public Interest.** Any modification of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the PDP and the amenities incorporated therein and are not inconsistent with the public interest.
 5. **Owners' Association Required.** Homeowners' or property owners' associations or some other responsible party shall be required to maintain any and all common and open space and/or common elements, unless conveyed to a public body which agrees to maintain such areas.
- B. **General Provisions.** The following general provisions shall apply to any Planned Developments reviewed by the Board of Commissioners.
1. **Application for Planned Development Permit Required.** Each application /

submission for a planned development shall be submitted in accordance with requirements of this Ordinance and the requirements of the Engineering Standards. Variations to the requirements of both regulations may be granted upon review and recommendation by the Planning Commission and approval by the Board of Commissioners.

2. **Waiver of Board of Appeals Action.** No action of the Board of Appeals shall be required in the approval of a Planned Development.
3. **Professional Design.** The Outline Plan, PDP, and Final Development Plans (FDP) shall contain a certification that the services of one or more of the following professionals were utilized in the design and planning process.
 - (1) **Urban planner.** An urban planner who possesses the education and experience to qualify for membership in a recognized professional planning association.
 - (2) **Landscape Architect.** A practicing landscape architect licensed by the State of Tennessee.
 - (3) **Architect.** A practicing architect licensed by the State of Tennessee
 - (4) **Civil Engineer.** A practicing civil engineer licensed by the State of Tennessee.
4. **Completion Period**
 - (1) **Establishment of completion period.** The Planning Commission shall recommend, and the Board of Commissioners shall establish a reasonable period of time for the completion of the Planned Development at the time that the PDP is granted. The applicant shall supply a plan for development phasing and completion times in the textual portion of the PDP when the application is submitted. For the purpose of this Section, a planned Development is considered complete upon approval of the FDP.
 - (2) **Relation to available facilities.** Each stage shall be planned and related to existing surrounding and available facilities and services such that failure to proceed to subsequent stages will not have an adverse impact on the development or its surroundings at any stage of the development.
 - (3) **Termination of Development Plan.** If a FDP has not been approved for any phase of the planned development within the approved completion period, the Board of Commissioners with a recommendation from the MPC may, in its discretion, terminate any prior outline plan and/or PDP approval for that phase(s) by giving written notice to the applicant.

- (4) **Extension of completion period.** Upon the request of the applicant and review and recommendation of the Planning Commission, the Board of Commissioners may extend for a reasonable time, not to exceed three (3) years, the period for gaining approval of a FDP.
 - (5) **Notice of revocation.** If any portion of a Planned Development is terminated under the provisions of this Article, the planned development designation shall be removed from the Official Zoning Map, and a notice of revocation shall be filed on the recorded development plan. The zoning regulations applicable before the development was approved shall then be in effect. For the affected unconstructed portions of the planned development, all Outline Plan, Preliminary, and FDP shall become void. However, if any portion of the property is constructed or developed as provided by the approved Planned Development, the remaining constructed or developed portion(s) of the property shall be in conformance with the approved Planned Development regardless of the existing conventional zoning district of the property.
- C. **Dedication of Public Facilities.** In addition to the normal dedications required in the Engineering Standards other City Ordinances, the Planning Commission and the Board of Commissioners may, as a condition of approval and adoption and in accordance with the Preliminary or FDP, require that additional suitable areas for streets, public rights-of-way, schools, parks and other public areas be set aside, improved and/or dedicated for public use.
- D. **Relation to Utilities and Public Facilities.** Planned Developments shall be located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utility systems and installations so 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 planned developments shall be located with respect to schools, parks, playgrounds and other public facilities required so as to have access in the same degree as would development in a form generally permitted in the area.
- E. **Relation to Major Transportation Facilities.** Planned Developments shall be located with respect to major arterials, collector streets, or other transportation facilities to provide access without creating unnecessary traffic along minor streets in residential neighborhoods outside such developments.

4.12.6. APPLICATION PROCESS

The following specific application process shall apply to all Planned Developments (residential, non-residential, mixed use).

A. Generally.

1. **Submittal of Development Plans.** The Preliminary and/or FDP submitted under this Article must be submitted in a form that will satisfy the requirements of *Section 1.4.3 Plats* for preliminary and final plats. Sketch plans submitted with the Outline Plans do not have to be fully detailed but shall accurately reflect the intent of the Engineering Standards, shall provide sufficient information to evaluate development impacts, and shall be coordinated with a natural features map.
2. **Subdivision Review.** It is the intent of the Ordinance that subdivision review required by the Engineering Standards is carried out simultaneously with the review of a Planned Development under this Section of the Zoning Ordinance.

B. Pre-Application Conference.

1. **Request for conference.** The prospective applicant shall request a Pre-Application Conference with the City of Lakeland professional staff. The purpose of the Pre-Application Conference is to afford the developer an opportunity to avail him/herself of the advice and assistance of the professional staff of the Planning Commission before the planned development is formally submitted for approval. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed Planned Development and a list of professional consultants advising the prospective applicant.
2. **Pre-Application submittal.** The pre-application submittal shall include the following:
 - (1) A map showing property lines and dimensions.
 - (2) A written statement generally describing the proposed planned development and the market it is intended to serve.
 - (3) Schematic drawings at an appropriate scale for the size of the project.
3. **Participation in conference.** The Pre-Application Conference shall, at minimum, consist of the developer, their consulting engineers and/or planners and the following representatives from the City of Lakeland:
 - (1) City Engineer or their designee
 - (2) City Manager or their designee
 - (3) Planning Director

4. **Response from City Staff.** The response from the City of Lakeland Staff shall not be binding upon the City of Lakeland Planning Commission or Board of Commissioners.
- C. **Neighborhood Meeting.** While not required, it is highly encouraged that developer have a neighborhood meeting with any adjoining homeowners' associations and/or property owners prior to submittal of a sketch plan, outline plan, or PDP the initial application is made to the Planning Commission for their review. It is recommended that this meeting is held after the required preapplication meeting with City Staff.
- D. **Sketch Plan (ORD 20-279)**
1. **Sketch Plan submittal.** Following a pre-application conference with City staff, the applicant may submit a request for Sketch Plan feedback from the Planning Commission and/or Board of Commissioners. Feedback from the Board of Commissioners may only be sought if a Neighborhood Meeting has been held. Feedback from the Board of Commissioners will only be received during a work session. The request shall be submitted with an application for a Planned Development, required fees and associated documentation. The Sketch Plan is not a requirement. It is a tool for the applicant to submit concepts to the Planning Commission prior to a fully engineered PD application submittal. The purpose of the sketch plan is for the applicant to receive feedback, recommendations, and comments from the Planning Commission and/or Board of Commissioners and City staff.
 2. The Sketch Plan application does not require all items necessary for an Outline/Preliminary Development Plan submittal. The Sketch Plan application shall include such items the applicant feels appropriate for the MPC to provide feedback and recommendations but at a minimum should include:
 - (1) A statement of planning objectives to be achieved by the Planned Development through the design and use mixture approach proposed by the applicant. This statement should include detailed description of the proposed development.
 - (2) Conceptual Site Plan with proposed land uses, approximate density, lot configuration, approximate areas for common open space, and general road alignments.
 - (3) Notice of the Sketch Plan hearing before the Lakeland Planning Commission or Board of Commissioners shall be sent to all property owners sharing a common boundary with the property being included in the sketch plan. This

shall include any properties adjacent to a common right-of-way (across the street). If a property is adjacent to an existing development with a Homeowners Association (HOA). The HOA shall be notified in lieu of the individual property owner. A copy of said notification shall be provided to the City of Lakeland.

- (4) A Sketch Plan application shall not be submitted more than nine (9) months prior to the developer making an application for an Outline Plan or PDP application.

3. **Response from MPC.** The response from MPC shall not be binding upon the City of Lakeland Planning Commission or Board of Commissioners.

E. **Outline Plan.** Following a pre-application conference with City staff, the applicant shall submit a request for an Outline Plan to the Planning Commission with the application for a Planned Development, all required fees and associated documentation. If the planned development is less than fifty (50) acres, the applicant may exclude this step and begin with the Outline Plan. The Outline Plan shall include as a minimum:

1. A legal description prepared by and certified by a licensed surveyor or civil engineer in a form acceptable to the City of Lakeland of the total site proposed for development.
2. A statement of current and proposed ownership and existing and proposed zoning.
3. A statement of planning objectives to be achieved by the Planned Development through the design and use mixture approach proposed by the applicant. This statement should include a detailed description of the proposed development.
4. Quantitative data for the following:
 - (1) Total acreage of the development and acreages devoted to specific uses. Any proposed phases shall be indicated.
 - (2) Requested uses shall be designated by references to appropriate Lakeland Zoning Districts, including permitted use sections, densities, and bulk and area requirements. Deviations from the specific district regulations shall be requested in writing.
 - (3) Approximate densities of development shall be indicated on the application and required plan.
 - (4) Approximate acreage to be maintained as common acres and proposed maintenance plans.
 - (5) Appropriate studies, if applicable, (depending on the size and complexity of

the development as determined by the Planning Director and Engineer) used in the development of the Outline Plan, such as but not limited to soils analysis, an economic feasibility study, a transportation impact study, an environmental inventory and impact analysis, a housing study, market analysis, and utility and infrastructure requirements.

5. The Outline Plan shall include one or more graphic presentation maps. The Plan map shall include as a minimum the following:
 - (1) A property survey prepared and certified by a licensed surveyor or civil engineer in a form or other description acceptable to the Lakeland Planning Commission on a scale approved by the Planning Commission;
 - (2) A contour map on two (2')-foot intervals noting water courses, designated floodplains, identified aquifers or wetlands, and areas with slopes in excess of ten (10%) percent;
 - (3) Aerial photographs or a surveyed drawing noting major natural features such as forested areas, lakes, streams, and existing uses and transportation features;
 - (4) A Transportation Plan showing all existing and proposed arterial and collector status streets, as well as existing minor residential streets, and design concepts to be utilized such as frontage roads and internal circulation concepts should be submitted in the written documents and illustrations provided;
 - (5) A drainage analysis and plan;
 - (6) Location of existing utilities, public facilities, proposed open space, and recreational or natural preservation areas;
 - (7) A General Plan for provisions of utilities;
 - (8) Proposed zoning scheme noting areas for residential, commercial, and industrial uses;
 - (9) A Tree Preservation Plan; and
 - (10) Conceptual lot lines and plot designs.
6. The outline plan shall be accompanied by a letter stating the Articles and Sections the Developer is requesting flexibility from the requirements of these Land Development Regulations and why the flexibility is required for the development. The letter shall also include any Articles and Sections being exceeded by the PD.

F. Outline Plan Approval Process and Effect of Approval

1. **Application / Submission.** On a date and time no later than the corresponding

filing deadline for the Planning Commission meeting at which it is to be considered, as indicated in the approved Annual Planning Commission Filing and Meeting Schedule, the owner of the property or their agent shall submit to the Planning Commission the Outline Plan, a completed application form, and all other information required under this Article. The Planning Commission shall review the application / submission and shall recommend to the Board of Commissioners to approve, disapprove or approve the Outline Plan subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until its next meeting.

2. **Appeal.** Any owner or their agent may appeal to the Board of Commissioners any recommendation or condition of the Planning Commission by filing written notice of appeal at least fourteen (14) days prior to review by the Board of Commissioners. However, the applicant shall submit an Outline Plan incorporating any and all conditions not appealed within ninety (90) days after the Planning Commission's decision on the requested Planned Development or the application shall be deemed withdrawn.
 3. **Public Hearing.** The Planning Commission during its deliberation shall facilitate public comment concerning the proposed Outline Plan. The Board of Commissioners shall hold a public hearing on the application for the Outline Plan after receipt of recommendations from the Planning Commission and any notice of appeal. The Board of Commissioners shall render a decision on any appeal and shall approve, disapprove, or approve the proposed Planned Development and Outline Plan subject to conditions. If approved the Board shall set forth the conditions imposed.
 4. **Effect of Approval.** The Approved Outline Plan shall bind the applicant, owner and mortgagee, if any, with respect to the contents of such plan.
 5. **Amendment to Schedule.** The Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.
- G. **Preliminary Development Plan (PDP) Approval Process and Effect of Approval**
1. **Application Deadline.** An optional application / submission for approval of a PDP of the entire Planned Development, if it is to be completed in one phase, or of a portion of the Planned Development, if it consists of more than one phase, shall be submitted, when complete, by the applicant on a date and time no later than the corresponding filing deadline for the Planning Commission meeting at which it is to be considered, as indicated in the approved Annual Planning Commission

Filing and Meeting Schedule, and in sufficient time so that the applicant may develop the Planned Development in accordance with the phasing schedule, if any, of the approved PDP.

- (1) An application shall not be considered complete and available for docketing at the Planning Commission until all of the filing requirements of this article are provided and on file with the City of Lakeland on or prior to the applicable filing deadline as stated herein.

2. **Application / Submission Materials.** The application / submission for PDP approval shall be filed with the Planning Commission and shall include, but not be limited to the following, if not supplied previously with the PDP:

- (1) Tree survey per the Lakeland Tree Management Ordinance;
- (2) Selected Stream Management Buffer requirements, per Section IV.4 *Streamside Management Buffers*;
- (3) Preliminary Plat;
- (4) Subdivision covenants and restrictions;
- (5) All quantitative and data requirements of the PDP, shall be presented in final form, unless a specific requirement is expressly waived and deferred to a subsequent approval step by the Planning Commission;
- (6) Detailed design guidelines including, but not limited to, building elevations, architectural renderings, design standards, and floor plans, for structures and improvements, in accordance with the documentation provided with the PDP, unless a specific requirement is expressly waived and deferred to a subsequent approval step by the Planning Commission. If necessary, any refinements to the standards and guidelines submitted with the PDP shall be provided with the detailed design guidelines, so that building permits subsequently approved shall be in substantial compliance with the detailed design guidelines.
- (7) If not provided as a part of the outline plan, a letter meeting the requirements of Section I.4.12.6(D) *Sketch Plan* shall accompany the PDP.
- (8) Standards, renderings, and proposed elevations shall be in substantial compliance with Section III.1 *Architectural Standards*, if applicable. The Planning Commission may waive Chapter 11 requirements for a mixed-use development. For a mixed-use development for which waivers of Chapter 11 are considered, each applicable standard that is waived shall be individually and expressly waived in writing. For each item waived, the applicant shall be

required to provide alternative written standards, renderings, and elevations, or a written rationale as to why compliance cannot be achieved for the applicable item.

- (9) The general location, arrangement, and design of architectural, wall, or pole lighting, typical specifications and fixture types, pole types, and lighting levels. Plans shall be in compliance with *Section III.6 Site Lighting Requirements*, if applicable. If waivers are requested and an item is waived, each applicable standard that is waived shall be individually and expressly waived in writing.
 - (10) The general location, arrangement, and standards for signs that are part of a consistent design theme, in compliance with *Section III.5 Signs*. Plans shall be in compliance with the Lakeland Sign Regulations. If waivers are requested and item is waived, each applicable standard that is waived shall be individually and expressly waived in writing.
 - (11) All textual information (such as descriptions, objectives, quantitative data, tabulations, bulk standards, and conditions) of the PDP, shall be provided on a separate plan sheet(s).
- 3. **Planning Commission Review.** The Planning Commission shall review the plan and determine whether the PDP substantially conforms or substantially deviates from an approved Outline Plan.
 - 4. **Planning Commission Decision.** The Planning Commission shall render a decision on a PDP. Such decision shall be to approve, approve subject to conditions, or disapprove. The Planning Commission may also defer a decision or take the matter under advisement until its next meeting.
 - 5. **Appeal.** Any owner or their agent may appeal to the Board of Commissioners any recommendation or condition of the Planning Commission by filing written notice of appeal at least fourteen (14) days prior to review by the Board of Commissioners. However, the applicant shall submit a PDP incorporating any and all conditions not appealed within ninety (90) days after the Planning Commission's decision, or the application shall be deemed withdrawn.
 - 6. **Use of PDP.** The Preliminary Plan shall be used in lieu of a Preliminary Plat to comply with the provisions of the Engineering Standards pertaining to Preliminary Plats.
 - 7. **Effect of Approval.** The Approved PDP shall bind the applicant, owner and mortgagee, if any, with respect to the contents of such plan.

H. **Construction Plans.** The Code Administrator, and City staff, shall review the

Construction Plans in accordance with the Engineering Standards and/or this Ordinance for the entire development or a phase of the development, as applicable.

I. Final Development Plan Approval Process

1. **Application / Submission Deadline.** An application / submission for approval of a FDP of the entire Planned Development, if it is to be completed in one phase, or of a portion of the Planned Development, if it consists of more than one phase, shall be submitted by the applicant on a date and time no later than the corresponding filing deadline for the Planning Commission meeting at which it is to be considered, as indicated in the approved Annual Planning Commission Filing and Meeting Schedule, and in sufficient time so that the applicant may develop the Planned Development in accordance with the phasing schedule, if any, of the approved PDP.
 - (1) An application shall not be considered complete and available for docketing at the Planning Commission until all of the filing requirements of this article are provided and on file with the City of Lakeland on or prior to the applicable filing deadline as stated herein.
2. **Application / Submission Materials.** The application / submission for FDP approval shall be filed with the Planning Commission and shall include, but not be limited to the following:
 - (1) A plan suitable for recording with the Shelby County Register's Office.
 - (2) Proof referred to on the plan and satisfactory to the City Attorney 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) Location and type of existing and proposed landscaping.
 - (5) Location and dimensions of utility and drainage facilities.
 - (6) All textual information (such as descriptions, objectives, quantitative data, tabulations, bulk standards, and conditions) of the PDP, shall be provided on a separate plan sheet(s).
 - (7) All other requirements of a Final Plan and Final Plat under the Lakeland Engineering Standards and/or this Ordinance.
3. **Planning Commission Review.** The Planning Commission shall review the plan and determine whether the final plan substantially conforms or substantially deviates from an approved PDP. Substantial Deviation from the approved PDP shall be sufficient cause for denial of the application.

4. **Planning Commission Decision.** The Planning Commission shall render a decision on an FDP. If a final plan is disapproved by the Planning Commission, the applicant may file an FDP, which substantially conforms to the approved preliminary plan, or the applicant may file for an amendment to the approved PDP.
 5. **Recording the Final Plan.** After an FDP is approved by the Planning Commission, the plan shall be recorded in the Shelby County Register's Office after receipt of any necessary, security, fees and contracts to provide improvements required in the City of Lakeland Engineering Standards and the required signatures for a recordation have been secured.
- J. **Site Plan Review.** All site plan reviews required under the provisions of Article III of this Zoning Ordinance shall be completed before building permits are issued for applicable phases of any Planned Development. If requested by the applicant, recommended by the Planning Commission, and approved by the Board of Commissioners, site plan requirements can optionally be reviewed concurrently with the development plans herein.
- K. **Zoning Administration and Permits**
1. **Issuance of building permit.** The Building Official may issue building permits for the area of the Planned Development covered by the approved FDP for work in conformity with the approved FDP and with all other applicable Ordinances and regulations.
 2. **Non-issuance of building permit.** The Building Official shall not issue an occupancy permit for any building or structure shown on the FDP of any stage of the Planned Development unless the open spaces and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowner's Association or a responsible party.
 3. **Certificate of Occupancy.** The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved FDP, if the completed building or structures conforms to the requirements of the approved FDP and all other applicable regulations and Ordinances.
- L. **Reapplication if Denied.** If any application / submission for a Planned Development is denied by the Board of Commissioners, a reapplication pertaining to the same property and requesting the same Planned Development may not be filed within twelve (12) months of the date final action was taken on the previous application / submission, unless such reapplication is initiated by the Planning Commission or

authorized by the Board of Commissioners.

- M. **Procedure for Amendment.** A Planned Development and the approved PDP and/or FDP may be amended in accordance with the procedure which governed the PDP approval as set forth in this Article. Any material change, including but not limited to, any increase in density or intensity of use, a change in the mix of land uses, any decrease in open or recreational space, any material change in layout, any change materially affecting the site's natural resources, any additional structures or substantial changes to structures, any material change to design treatments, any material change to the location, number, or types of lighting, signage, or fencing (if part of the approved development plan), any material change to a pedestrian or bicycle facility, any material deviation from the approved conditions, or any modification of the phasing plan, shall be deemed to be a substantial deviation requiring the applicant to seek a PDP amendment.
- N. **Post Completion Certificate.** Upon completion of a Planned Development in accordance with the approved FDP, the Building Official shall issue a certificate certifying its completion.



5. DEVELOPMENT CONTRACTS

Where Public or Common Improvements are required, the developer(s) shall enter into a Development Contract with the City of Lakeland required as part of the approval of a Plat or Site Plan, payment of all fees assessed for development of a project, and such other terms deemed necessary by the City to carry out the terms and provisions of these Land Development Regulations and other requirements of law.

5.1. GENERAL REQUIREMENTS

- A. The development contract shall be in a form approved by the City Attorney.
- B. The development contract shall be authorized by the BOC.
- C. Applicant shall make all required improvements at their own expense. Any provisions for reimbursement by the governing body or any utility agency shall be

5. Development Contracts	127
5.1. General Requirements	127
5.2. Types of Public and Common Improvements	128
5.3. Security for Public and Common Improvements	129
5.4. Completion and Acceptance of Public and Common Improvements	130
5.5. Warranty of Public Improvements	131
5.6. Maintenance of Common Improvements	132

clearly stipulated clearly in the Development Contract.

D. The development contract shall include the following provisions.

1. Site development cannot begin until after this agreement has been executed.
2. For plats, building permits cannot be issued until Final Plat approval is obtained, the final plat has been recorded with the Shelby County Register of Deeds, Common Improvements have been completed, and the BOC has accepted the Public Improvements, except certain improvements due to seasonal limitations in which case *Section I.6.4 Security for Incomplete Seasonal Improvements* applies.
3. For site plans that include public or common improvements, or tree bank contributions, a Final Inspection, Lakeland Certificate of Compliance, and a Shelby County Certificate of Occupancy shall be obtained prior to occupying a building.

5.2. TYPES OF PUBLIC AND COMMON IMPROVEMENTS

The development contract shall cover all the following types of improvements as required by these Development Regulations and any other City codes.

A. **Required Public Improvements.** Public Improvements include all improvements to the Applicant's Property located within rights-of-way typically intended to be dedicated to the City, within public or private utility Easements, or on Parcels intended to be dedicated to the City. Public Improvements are subject to the City Acceptance process. Public Improvements include, but are not limited to the following:

1. Public and/or private streets and street improvements, including but not limited to pavement, curbs, sidewalks, street trees, and Landscape Zone and Furnishing Zone improvements.
2. Utilities and utility appurtenances, including but not limited to storm sewer, sanitary sewer, electric, gas, and water.
3. Stormwater management features within drainage Easements necessary to meet the development- wide requirements of *Section IV.3 Stormwater Management*.
4. Other improvements approved for Dedication to the City, including but not limited to land for City Parks and Greenways and stream management.

B. **Required Common Improvements.** Common Improvements include certain improvements to the Applicant's Property intended for use and aesthetics for the entire development. Common Improvements are not subject to City acceptance but are required to be reviewed in parallel with Public Improvements at the time that Acceptance of Public Improvements is proposed. Common Improvements include, but

are not limited to the following:

1. Neighborhood Scale Open Space or Open Space Types required by *Section III.2 Open Space Type Standards*, whether publicly or privately held and maintained, and their improvements.
2. Streamside Management Buffer stabilization and landscape.
3. Scenic Corridor Easement or Buffer, plantings, and improvements.
4. Common perimeter or entry treatments, including, but not limited to, Subdivision fencing, entry treatments, signs, and private lighting.
5. Landscaping.
6. USPS Cluster/Group Mailboxes and corresponding amenities.
7. Private stormwater management facilities.
8. Tree Replacement and Tree Bank contributions.
9. Restoration Management Plan.

5.3. SECURITY FOR PUBLIC AND COMMON IMPROVEMENTS

The development contract shall include all fees associated with the development project, as well as security for all Public and Common Improvements in an amount with surety and conditions satisfactory to the BOC.

A. Security for all Public Improvements.

1. **Itemized Costs.** The developer shall submit to the City an itemized cost of constructing the Public Improvements as part of the development contract.
2. **Minimum Security.** Security shall be determined by the City and included in the development contract. The minimum security shall equal ten (10) percent of the construction cost of the stormwater system, ten (10) percent of the construction cost of the sanitary sewer system, ten (10) percent of the construction cost of the earthwork, ten (10) percent of the construction cost of erosion and sediment control measures, ten (10) percent of the landscape construction cost, and thirty (30) percent of the construction cost of asphaltic concrete pavement base course, unless waived by the City. The security shall also cover the entire cost of the final lift of asphaltic concrete pavement surface course. Additional security may be required by the City Engineer for the ongoing maintenance of the Public Improvements.
3. **Temporary Facilities.** A separate security for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained, and

removed, is required.

B. Security for all Common Improvements.

1. **Itemized Costs.** The developer shall submit to the City an itemized cost of constructing the Common Improvements as part of the development contract. Costs shall include all items required by these Land Development Regulations as well as other City codes for the type of development.
2. **Minimum Security.** Security shall be determined by the City and included in the development contract. The minimum security shall equal one hundred (100) percent of cost of installation, restoration, replacement, or other requirements of the Common Improvement per these Land Development Regulations and all other City codes.

C. Security during the Warranty Period. Refer to *Section I.5.3(B)(2) Minimum Security* for security required during the warranty period.

5.4. COMPLETION AND ACCEPTANCE OF PUBLIC AND COMMON IMPROVEMENTS

A. Completion of Public and Common Improvements. Prior to application for Final Plat, all Applicants shall complete, in accordance with Preliminary Plat, Construction Plan, and Site Plan approvals, all Public and Common Improvements.

B. Inspection of Public, Common, and other Improvements. Applicant shall request an inspection of all Public and Common Improvements upon their completion, but no sooner than ninety (90) days and no later than forty-five (45) days in advance of Final Plat application (refer to *Section I.4.3.3 Final Plat*).

1. All Public and Common Improvements shall be constructed in accordance with the Preliminary Plat, Site Plan, and Construction Plan approvals, the regulations of these Land Development Regulations, development contracts, other City codes, and the construction standards and specifications of the governing authority.
2. Applications shall not be docketed for approval of the Final Plat (refer to *Section I.4.3.3 Final Plat*) until Public and Common Improvements are deemed complete by City staff.
3. For Site Plans, a Certificate of Compliance shall not be issued until Public and Common Improvements and other items in the development contract are deemed complete by City staff.

C. Approval of Common Improvements. Security for Common Improvements shall not

be released, and the Final Plat shall not be approved until Common Improvements pass inspection. For Site Plans, a Certificate of Compliance shall not be issued until Common Improvements pass inspection.

- D. Acceptance of Public Improvements.** Upon completion of the Public Improvements and concurrent with MPC approval of the Final Plat, or in the case of a Site Plan, prior to issuance of a Certificate of Compliance, the MPC shall make a recommendation to the BOC on accepting the completed Public Improvements. Applicant shall formally offer the Dedication of all Public Improvements agreed upon by the City for City ownership.
1. Concurrent with Final Plat, or prior to the issuance of a Certificate of Compliance for Site Plans, the BOC shall review the offer of Dedication and act upon it.
 2. If approved by BOC, Public Improvements shall be dedicated to the City free and clear of all liens and encumbrances on the property.
 3. Securities for construction of the Public Improvements shall be released upon acceptance, except for securities related to the warranty period.
 4. The warranty period shall be established between the Applicant and the City, including related security. Refer to *Section I.5.3 Security for Public and Common Improvements*.
- E. Seasonal Limitations.** Any Public and/or Common Improvements that cannot be installed due to seasonal limitations, such as street trees, trigger the following:
1. Certificates of Compliance for the development, except for Model Homes (refer to *Section II.2.3.3(D) Model Home* for more information), shall not be issued until all Public and Common Improvements are completely installed and accepted by the City.

5.5. WARRANTY OF PUBLIC IMPROVEMENTS

After acceptance of Public Improvements, a warranty period begins per the development contract.

A. Warranty Period.

1. During the warranty period, all Public Improvements shall be maintained per these Land Development Regulations and the *Section III.3.16 Tree Preservation and Management*.
2. The length of the warranty period shall be defined by the development contract.
3. The warranty period shall consider potential damage to the Public Improvements caused by future construction on Lots within the development.

4. The warranty period shall be a minimum of one (1) year.

B. Security During Warranty Period. The development contract shall stipulate the amount of security required during the warranty period for Public Improvements.

1. Security shall be in an amount with surety and conditions satisfactory to the BOC to restore and stabilize all disturbed property if development is stopped, sufficient to cover anticipated punch list items after the warranty period, including, but not limited to, utility trench settlements and the final layer of asphaltic concrete pavement.
2. Every two (2) years of warranty period, the amount of security shall be reviewed, and increases shall be provided as deemed appropriate by the City to account for increases in construction costs.
3. Warranty security shall not be released until staff has inspected the Public Improvements and deemed them complete.

C. Final Completion of Public Improvements prior to End of Warranty Period.

1. Four years after the issuance of the first building permit, if the final coat of asphalt has not been applied to any street, the final coat shall be completed.
2. Four years after the issuance of the first building permit, all defects of Public Improvements shall be corrected and completed, regardless of the percentage of Subdivision lots having received building permits, including, but not limited to, installing the remaining sidewalks for the phase, except for any other types of items that are handled through the building permit lot deposit.

5.6. MAINTENANCE OF COMMON IMPROVEMENTS

Throughout the process Common Improvements shall be maintained to the standards and requirements of these Land Development Regulations and all other City requirements. Upon completion, inspection, acceptance, and release of all security, the following applies:

- A. Common Improvements shall be maintained per the development contract.
- B. All stormwater facilities shall be maintained and funded per the Stormwater Management Plan (refer to *Section IV.3 Stormwater Management*) by the Owner or Owners' Association.
- C. All other items shall be defined in the development contract or the Declaration of Covenants and Restrictions.



6. OTHER TYPES OF SECURITY

The following types of securities are required by these Land Development Regulations and *Section III.3.16 Tree Preservation and Management*.

6.1. TREE ESTABLISHMENT SECURITY

Refer to *Section III.3.2 Installation and Maintenance*. Tree Establishment Security shall be obtained as part of the development contract approved by the BOC, per *Section III.3.2 Installation and Maintenance*.

6.2. TREE PROTECTION SECURITY

Refer to *Section III.3.16 Tree Preservation and Management*. Tree Protection Security shall be obtained as part of the development contract approved by the BOC, per *Section III.3.16 Tree Preservation and Management*.

6. Other Types Of Security	133
6.1. Tree Establishment Security	133
6.2. Tree Protection Security.....	133
6.3. Lot Deposit.....	134
6.4. Security for Incomplete Seasonal Improvements	134

6.3. LOT DEPOSIT

The Lot Deposit is required for all Lot development at the time of a building permit request.

- A. Per-Lot Security for street trees installation and establishment (refer to Section 1.5.4 *Completion and Acceptance of Public and Common Improvements*, sidewalks, erosion and sediment control, damage to Public Improvements, and other items per Title 12, Chapter 2 of the Municipal Code is required prior to the issuance of the Certificate of Compliance.
- B. Upon approval of the improvements, the Lot Deposit is released, except for an amount equal to the Tree Establishment Security, or, alternatively, a separate new security for Tree Establishment shall be provided prior to granting full release of the Lot Deposit.

6.4. SECURITY FOR INCOMPLETE SEASONAL IMPROVEMENTS

Refer to *Section III.3.2 Installation and Maintenance*. Whenever, because of the season of the year, any landscape improvements required by these Land Development Regulations cannot be performed, Building Permits and Certificates of Compliance may be issued upon the acceptance of security, if there is no danger to the health, safety, or general welfare caused by the delay in construction of the improvements.

- A. **Amount of Security.** The security shall be in an amount to be determined by the City for the cost of completion of such improvements, typically equal to one and a half (1 1/2) times the installation costs as estimated by a qualified professional.
- B. **Owner's Permission.** In addition to the security, the Applicant shall obtain and file with the Code Administrator a notarized statement from the purchaser(s) of the premise(s) authorizing the City to install the improvements at the end of the period in the event the improvements have not been installed properly by the Applicant.
- C. **Procedures for Security.** Seasonal improvements for which securities have been accepted by the City at the time of issuance of a Certificate of Compliance shall be installed by the developer within a period of nine (9) months from the date of deposit.
 - 1. If the improvements have not been installed properly at the end of the time, the Code Administrator shall provide written notice of two (2) weeks to the developer requiring him/her to install the improvements.
 - 2. If they are not installed properly after two (2) weeks, the Code Administrator may request that the MPC authorize the installation of the necessary improvements in a sum not to exceed the amount of the security.



7. OWNERS ASSOCIATION

7.1. OWNERS' ASSOCIATION

The following are required.

- A. **Association Required.** A homeowners' or property Owners' or responsible party is required for all Subdivisions or multi-owner developments, with the following exception:
 - 1. Subdivisions consisting only of RE and/or a district Lots with no private common elements, such as but not limited to streets, stormwater management systems, and open space.
- B. **Developer to Association Transfer.** Transfer of responsibilities to the association is encouraged by eighty (80) percent of Lot or unit build out.
- C. **Covenants and Restrictions.** Prior to the transfer of responsibilities to the Owners' association, all prospective members shall be furnished a copy of the Declaration of Covenants and Restrictions.

7. Owners Association	135
7.1. Owners' Association	135
7.2. Declaration of Covenants and Restrictions.....	136
7.3. Funding & Maintaining Common Elements.....	136
7.4. City Enforcement.....	138

7.2. DECLARATION OF COVENANTS AND RESTRICTIONS

The complete set of covenants and restrictions shall be provided to the City, in a form approved by the City Attorney and Board of Commissioners (BOC), for review during the Final Plat process (refer to *Section I.4.3.3 Final Plat*). All declarations of covenants shall contain the following.

- A. Provisions for the maintenance and protection of public, common, and private improvements, Easements, open space, Scenic Corridor Buffers, and other improvements in accordance with the *Section III.1 Architectural Standards*.
- B. **Stormwater Management Plan.** Reference to and provision for meeting the requirements of the Stormwater Management Plan for stormwater facilities (refer to *Section IV.3.1.D Stormwater Management Pan*, approved at the Final Plat process for the Subdivision.
- C. Adequate safeguards to prevent the subsequent Use of open space for any Use, structure, improvement, or development other than indicated in the approved Plat and plans and in *Section III.2 Open Space Type Standards*.
- D. Assurance that the declarations shall not be amended in any matter that would result in a violation of these LDR, except upon approval of the BOC.
- E. All property Owners and successive Owners shall be members of the owners' association and shall be provided with the complete list of covenants and restrictions upon becoming a member.
- F. Establish measures for collecting and assessing fees and expenses for the maintenance and preservation of common properties, improvements, payment of real estate taxes and other applicable taxes and for the attachment of liens on the property of delinquent association members.
- G. Establish an Architectural Review Committee.

7.3. FUNDING & MAINTAINING COMMON ELEMENTS

If the Owner's association will be the owner of, responsible for maintenance of, or responsible for providing funding for the maintenance, protection, or restoration of certain Subdivision elements, the following shall be included in the declaration of covenants and be adhered to by the association.

- A. No Lots shall be sold prior to the City's review of the declarations of covenants and

establishment of the association.

- B. Association shall be responsible for casualty and liability insurance, taxes, and maintenance of or funding for the maintenance and protection of the Alleys, any private streets, stormwater management systems, Neighborhood Scale Open Space, conservation areas within the Conservation Zoning District, or Scenic Corridor Buffers.
- C. Each Owner within the association shall pay his or her pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property, if payment is not received, in accordance with the statutes of the State of Tennessee.
- D. Association shall have the right to adjust the assessment to meet changed needs.
- E. Association shall have the right to perform any maintenance or repair work that any owner or association member has neglected to perform on their respective property, to levy an assessment against a member for the performance of any maintenance or repair work, and to cause a lien to be placed against the property of any such Owner or member that fails to pay such an assessment. Membership vote required to authorize such assessments shall not be fixed at more than fifty-one (51) percent of the members voting on the issue.
- F. City shall have the right, without obligation, to enforce all declarations, covenants, and restrictions.
- G. City shall have the right, without obligation, but only after ten (10) days written notice to the association to do the following.
 - 1. To perform any maintenance or repair work that the association has neglected to perform.
 - 2. To assess the association for such work performed.
 - 3. To cause a lien to be placed against the property of any member failing to pay such assessment. For this purpose alone, the City shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.
- H. In the case of emergencies, the City shall have the right, without obligation, to perform emergency repairs without ten (10) days written notice provided that the association is informed of the work within three (3) days or a reasonably practical period given the circumstances.
 - 1. The City shall have the right to assess the association for such emergency work.
 - 2. The City shall have the authority to cause a lien to be placed against the property of any member failing to pay such assessments. For this latter purpose alone, the

City shall have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

7.4. CITY ENFORCEMENT

The City shall enforce all aspects of the Covenants and Restrictions that implement and maintain any aspect of these Land Development Regulations, *Section III.3.16 Tree Preservation and Management*, and any other City codes and ordinances.



8. NONCONFORMANCE

8.1. GENERAL PROVISIONS

The following general provisions apply to nonconforming structures and Uses.

A. **Intent.** It is the intent of this Section to:

1. Recognize the reasonable elimination over time of the existing structures or Uses that are not in conformity with the provisions of these Land Development Regulations is as much a subject of health, safety, and welfare as is the prevention of the establishment of new Uses that would violate the provisions of these regulations and undermine the goals of the Comprehensive Plan.
2. Administer the elimination of nonconforming Uses and structures to avoid an unreasonable invasion of established private property rights.

B. **Applicability.** A nonconforming structure (Primary or Accessory), Use, or site characteristic that lawfully existed at the time these Land Development Regulations were

8. Nonconformance.....	139
8.1. General Provisions	139
8.2. Nonconforming Structures ...	140
8.3. Nonconforming Uses.....	141
8.4. Nonconforming Site Characteristics	143
8.5. Exceptions	143
8.6. Nonconforming Lot.....	144

adopted may continue to exist or operate subject to the conditions outlined in this Section. The ultimate purpose of these conditions, however, is to secure compliance with the requirements outlined in these regulations.

- C. **Maintenance.** All Nonconformances shall be maintained as required by law, provided said maintenance does not result in the expansion of the nonconformity.
- D. **Variation.** Except for relief granted through *Section 1.4.5.2 Subdivision Modification*, *Section 1.4.6.2 Site Plan Review*, or *Section 1.4.7.3 Zoning Variance*, land occupied by a Nonconformance shall not be eligible for any other variance, Rezoning, or Conditional Use Permit unless the nonconformity shall be permanently removed or reduced with the granting of the variance, Rezoning, or Conditional Use Permit. Refer to *Section 1.4 Process, Criteria, and Application* for additional information on each.
- E. **Variance.** The Owner of any Nonconformance may request relief from these provisions from the BOA through the Zoning Variance process (refer to *Section 1.4.7.3 Zoning Variance*), utilizing the review criteria defined for that process.

8.2. NONCONFORMING STRUCTURES

- A. **Intent.** A nonconforming structure is a Principal or Accessory Structure that was legally constructed prior to the adoption of these Land Development Regulations or amendment to these regulations, but that could not occur under the provision of these regulations. Applicable regulations include, but are not limited to, such items as Build-to Zones, Setbacks, Building Coverage, Building Height, Building Transparency, entrances, Cap and Base Type, and Building Materials.
- B. **Continuation of a Nonconforming Structure.** A nonconforming structure may continue to exist subject to the following provisions:
 1. An existing structure is considered conforming if the size of the Nonconformance is fifteen (15) percent or less of these Land Development Regulations' requirement. For example, if the required Setback is ten (10) feet and the building's Setback is eleven and a half (11.5) feet, the Setback is considered in conformance.
 2. An existing single-family dwelling with a nonconforming Side Yard Setback that is thirty (30) percent or less of these Land Development Regulations' Side Yard Setback requirement may be enlarged or extended along that Side Yard provided that the following conditions are met:
 - (1) The enlargement or extension does not increase the structure's Nonconformance and,
 - (2) the enlargement or extension does not encroach into the front Build-to Zone

- or Setback beyond the original structure and,
- (3) the enlargement or extension does not exceed fifty (50) percent of the lineal footage of the original dimensions of the structure.
 3. Where an alteration includes an addition of more than fifty (50) percent in building square footage, the building shall be brought into conformance.
 4. Normal repairs required for structural safety and minor alterations, such as new siding, windows, or doors are permitted with the Code Administrator's approval.
 5. The right to utilize a nonconforming structure shall be terminated, if the structure is damaged by any cause and the cost of such damages is fifty (50) percent or more of the structure's cost to rebuild at the time of the event.
 6. If the cost of damages to a nonconforming structure are less than fifty (50) percent of the structure's cost to rebuild prior to the event, it may be repaired provided that the repairs or reconstruction do not increase the Nonconformance.
 - (1) Repairs or reconstruction of a nonconforming structure shall be completed or substantially completed within twelve (12) months of the damage.
 - (2) If the Applicant demonstrates a good faith effort proceeding toward repair or reconstruction, such as a permit or cost proposal from a contractor, this twelve (12) month period may be extended up to an additional twenty-four (24) months with permission of the BOA. Self-imposed situations shall not constitute cause for the delay.
 7. The right to utilize a nonconforming structure shall be terminated if the structure is not used or is abandoned for a period of twelve (12) consecutive months.
 - (1) If the Owner is actively seeking another tenant for the Use of land or building, the BOA may extend the time for up to another twelve (12) months.
 - (2) To obtain the extension, the Owner shall provide evidence of this activity, including solicitation and showing the site to potential tenants and maintenance of utilities and other site facilities for reuse; simply listing the site as available real estate is not sufficient.

8.3. NONCONFORMING USES

- A. **Intent.** A nonconforming Use is a Use of land or a structure that lawfully existed prior to the adoption of these Land Development Regulations but could not occur under the provisions of these regulations.
- B. **Continuation of a Nonconforming Use.** Unless subject to the exception set forth in *Section 1.8.3(C) Exception to Nonconforming Uses*, a nonconforming Use may

continue to exist subject to the following provisions.

1. The nonconforming Use shall not be enlarged or be extended to any other building, part of the building, Lot or part of a Lot.
2. The right to continue a nonconforming Use shall be terminated, if the structure housing the Use is destroyed by any cause and the cost of such damages is fifty (50) percent or more of the structure's cost to rebuild at the time of the event.
3. If the cost of the damages is less than fifty (50) percent of the structure's cost to rebuild at the time of the event, it may be repaired provided that the repairs or reconstruction do not increase the Nonconformance.
 - (1) Repairs or reconstruction of a structure housing a nonconforming Use shall be completed or substantially completed within twelve (12) months of the damage.
 - (2) This twelve (12) month period may be extended up to an additional twenty-four (24) months with permission of the BOA.
4. The right to continue a nonconforming Use shall be terminated if the Use is not used or is abandoned for a period of twelve (12) consecutive months.
 - (1) If the Owner is actively seeking another tenant for the Use of land or building, the BOA may extend the time for up to another twelve (12) months.
 - (2) To obtain the extension, the Owner shall provide evidence of this activity, including solicitation and showing the site to potential tenants and maintenance of utilities and other site facilities for reuse; simply listing the site as available real estate is not sufficient.

C. **Exception to Nonconforming Uses.** All nonconforming industrial, commercial, or business Uses are subject to the provisions of the Tennessee Nonconforming Property Act (T.C.A. §13-7-208) and shall be permitted to do the following.

1. Continue in operation so long as the Use of the property is not changed to any other nonconforming Use.
2. Expand operations and facilities, provided that the expansion constitutes a continuation of the existing nonconforming Use and shall not result in a nuisance to neighboring properties.
3. Destroy and reconstruct existing facilities that are necessary to the ongoing conduct of the nonconforming Use, provided that any reconstructed structures shall conform with all site and bulk regulations in effect at the time of reconstruction.

8.4. NONCONFORMING SITE CHARACTERISTICS

- A. **Intent.** Any site element or characteristic of a Zoning Lot, such as impervious coverage, driveway quantity, parking, landscaping, or other non- structural characteristic of a Lot that is not in compliance with the provisions of these Land Development Regulations, whether associated with a nonconforming or conforming structure or Use, lawfully in existence prior to the adoption of this code, shall be considered a nonconforming site characteristic.
- B. **Continuation of a Nonconforming Site Characteristic.** A nonconforming site characteristic may continue to exist subject to the following provisions:
1. An existing site characteristic is considered conforming if the size of the Nonconformance is fifteen (15) percent or less of these Land Development Regulations' requirement. For example, if the required parking is thirty (30) spaces and the number of spaces provided is twenty-six (26), the parking is considered in conformance.
 2. The right to continue a nonconforming site characteristic shall be terminated, if the associated structure is altered to increase the associated structure's footprint by more than twenty-five (25) percent.
 3. The right to continue a nonconforming site characteristic shall be terminated, if the associated Use or structure, conforming or not, is abandoned for a period of twelve (12) consecutive months.

8.5. EXCEPTIONS

Through the *Section 1.4.6.2 Site Plan Review*, an exception to *Section 1.8.2 Nonconforming Structures* through *Section 1.8.4 Nonconforming Site Characteristics* may be granted, if:

- A. The purpose of the discussed alteration is to convert a nonconforming Use of a nonconforming structure to a conforming Use in a nonconforming structure.
- B. The proposed increase in the Nonconformance of a structure is the minimum necessary to allow the conversion of a nonconforming Use to a conforming Use within a nonconforming structure.
- C. The proposed alteration is to decrease the nonconformity of the Use or structure.

8.6. NONCONFORMING LOT

- A. **Intent.** A nonconforming Lot is a Lot that was legally recorded prior to the adoption of these Land Development Regulations but could not be created under the provisions of these regulations. Applicable regulations include Lot width and Lot size.
- B. **Continuation of a Nonconforming Lot.** A nonconforming Lot may be developed at or after the time at which the Lot became nonconforming, if it meets all the following provisions.
1. The Owner certifies in writing to the City that he or she does not own or have an interest in any adjacent open Lot at the time the Lot became nonconforming.
 - (1) If Owner has interest or owns any adjacent open Lot, the Lots shall be combined, if the resulting Parcel is a conforming Lot.
 2. The Lot is undeveloped.
 3. All other regulations of the Zoning District can be met, except those that constitute the nonconformity.

ARTICLE II – ZONING REGULATIONS

1. ZONING REGULATIONS.....	147
1.1. ZONING DISTRICTS	147
1.1.1. ESTABLISHMENT OF DISTRICTS.....	147
1.1.2. FUTURE LAND USE CATEGORIES AND ZONING DISTRICTS.....	150
1.2. STANDARDS OF MEASUREMENT	151
1.2.1. DENSITY AND INTENSITY	151
1.2.2. STANDARDS OF GENERAL APPLICABILITY.....	153
1.3. TRADITIONAL DISTRICT DEVELOPMENT STANDARDS	160
1.3.1. COMMERCIAL ZONING DISTRICTS.....	160
1.3.2. OFFICE DISTRICTS.....	163
1.3.3. INSTITUTIONAL DISTRICT.	165
1.3.4. RESIDENTIAL DISTRICTS.	166
1.3.5. OPEN SPACE AND RECREATION DISTRICTS.....	174
1.3.6. AGRICULTURE DISTRICT.	174
1.3.7. MANUFACTURING DISTRICTS.	175
1.4. MIXED-USE DISTRICT DEVELOPMENT STANDARDS.....	178
2. USES	186
2.1. GENERAL REQUIREMENTS	186
2.2. PRINCIPAL USES	187
2.2.1. USE TABLE.....	187
2.2.2. USE STANDARDS	194
2.2.3. DEVELOPMENT STANDARDS FOR SPECIFIC USES.....	197
2.3. ACCESSORY USES AND STRUCTURES.....	206
2.3.1. GENERAL	206
2.3.2. ACCESSORY USES AND STRUCTURES TABLE	209
2.3.3. ACCESSORY USE DEVELOPMENT STANDARDS.....	214
2.3.4. ACCESSORY STRUCTURE DEVELOPMENT STANDARDS	217
3. OVERLAY REQUIREMENTS.....	221
3.1. PLANNED DEVELOPMENT OVERLAY	221
3.1.1. GENERAL REQUIREMENTS.....	221
3.1.2. DEVELOPMENT STANDARDS.....	223
3.1.3. RELATIONSHIPS WITH ADJOINING DEVELOPMENTS	226
3.1.4. SPECIFIC STANDARDS AND CRITERIA FOR RESIDENTIAL PLANNED DEVELOPMENTS	227
3.1.5. SPECIFIC STANDARDS AND CRITERIA FOR NON-RESIDENTIAL PLANNED DEVELOPMENTS (OFFICE, COMMERCIAL, INDUSTRIAL)	228

3.2. FLOODPLAIN OVERLAY DISTRICT	229
3.2.1. AUTHORIZATION AND PURPOSE	229
3.2.2. DEFINITIONS	231
3.2.3. PROCEDURES AND PROVISIONS	239
4. SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL PROVISIONS	258
4.1. WIRELESS TRANSMISSION FACILITIES	258
4.2. RENEWABLE ENERGY	291
4.2.1. SOLAR POWER FACILITIES AND SOLAR POWER SYSTEMS	291
4.2.2. WIND ENERGY SYSTEMS	295
4.2.3. WIND FARMS	297
4.3. INCIDENTAL USES IN CONJUNCTION WITH WINERIES	298



11.1

1. ZONING REGULATIONS

1.1. ZONING DISTRICTS

1.1.1. ESTABLISHMENT OF DISTRICTS.

- A. The official zoning map of the City is divided into residential zoning districts, nonresidential zoning districts, and mixed-use zoning districts (each with their own distinct standards). The zoning map is officially adopted by the City of Lakeland as part of Ordinance No. _____ Dated, _____, as may be amended by the City from time to time, together with all of the explanatory material thereon. The official zoning map shall be identified by the signature of the mayor, City attorney, and attested by the City Clerk.
- B. No changes shall be made in the official zoning map except in conformity with the procedures set forth in these Land Development Regulations (LDR).
- C. The official zoning map is the final authority as to the zoning status of all lands and waters in the City.

1. Zoning Regulations.....	147
1.1. Zoning Districts	147
1.2. Standards of Measurement	151
1.3. Traditional District Development Standards.....	160
1.4. Mixed-Use District Development Standards.....	178

D. Current and New Districts. *Table II.1.1. Current and New Districts* below identifies current zoning districts and the transition into zoning districts defined in this LDR. Current District references the City's Zoning Districts as of _____. Where no text is provided in the New District column, it is assumed that the Current District nomenclature is adopted and maintained.

Table II.1.1. Current and New Districts

CURRENT DISTRICT	NEW DISTRICT	LDR SECTION
COMMERCIAL DISTRICTS		
(C1) COMMUNITY COMMERCIAL DISTRICT		II.1.3.1(A)
(C2) REGIONAL COMMERCIAL DISTRICT		II.1.3.1(B)
OFFICE DISTRICTS		
(NO) NEIGHBORHOOD OFFICE DISTRICT		II.1.3.2(A)
(O) OFFICE DISTRICT		II.1.3.2(B)
INSTITUTIONAL DISTRICT		
(P) INSTITUTIONAL DISTRICT		II.1.3.3(A)
RESIDENTIAL DISTRICTS		
(RE) EXURBAN DISTRICT	(RR) RURAL RESIDENTIAL	II.1.3.4(A)
-	(ER) ESTATE RESIDENTIAL	II.1.3.4(B)
(R1) SUBURBAN ESTATE DISTRICT		II.1.3.4(C)
(R2) SUBURBAN MANOR DISTRICT		II.1.3.4(D)
(R3) SUBURBAN COTTAGE DISTRICT		II.1.3.4(E)
(R4) URBAN ESTATE	(R4) URBAN ESTATE	II.1.3.4(F)
(R5) URBAN MANOR		
(R6) ATTACHED DISTRICT	(RM1) ATTACHED RESIDENTIAL DISTRICT	II.1.3.4(G)
(R7) MULTIFAMILY DISTRICT	(RM2) MULTIFAMILY RESIDENTIAL DISTRICT	II.1.3.4(H)

CURRENT DISTRICT	NEW DISTRICT	LDR SECTION
OPEN SPACE AND RECREATION DISTRICTS		
(OS1) NEIGHBORHOOD CIVIC SPACE DISTRICT	(GG) GENERAL GOVERNMENT DISTRICT	II.1.3.5(A)
(OS2) NEIGHBORHOOD OPEN SPACE DISTRICT		
(OS3) GENERAL OPEN SPACE		
(OS4) OUTDOOR RECREATION DISTRICT	(OR) OUTDOOR RECREATION DISTRICT	II.1.3.5(B)
(OS5) CONSERVATION DISTRICT	(CON) CONSERVATION	II.1.3.5(C)
AGRICULTURE DISTRICT		
(AG) AGRICULTURE DISTRICT		II.1.3.6(A)
MANUFACTURING DISTRICTS		
(M1) LIGHT MANUFACTURING DISTRICT		II.1.3.7(A)
(M2) MANUFACTURING DISTRICT		II.1.3.7(B)
(M3) INFRASTRUCTURE DISTRICT		II.1.3.7(C)
MIXED-USE DISTRICTS		
(NC) NEIGHBORHOOD COMMERCIAL DISTRICT		II.1.4(A)
	(TC) TOWN CENTER DISTRICT	II.1.4(B)
	(CC-MX) COMMUNITY CORRIDOR MIXED-USE DISTRICT	II.1.4(C)
	(RC-MX) REGIONAL CORRIDOR MIXED-USE DISTRICT	II.1.4(D)

1.1.2. FUTURE LAND USE CATEGORIES AND ZONING DISTRICTS.

- A. Properties that currently have a zoning designation that is not consistent with the recommendations of the Future Land Use Map are not required to rezone to continue using the property as it exists in its current state. However, if the property owner wishes to rezone the property, it should be to a district that is consistent with the assigned future land use category per the Comprehensive Plan or provide competent substantial evidence why the requested zoning district is more appropriate.
- B. Where properties are currently developed and or have an approved site plan, the conditions associated with that previous approval shall apply until such time as the project is amended, Until such time as properties/projects are amended and or meeting the requirements of *Section II.1.1 Zoning Districts*, the existing development on those sites are subject to the provisions of *Section I.8 Nonconformance*.
- C. *Table II.1.2. Future Land Use Categories and Zoning Districts* correlates individual zoning districts with future land use categories. Not all the zoning districts are shown under a future land use category, however, are presumed to be appropriate for a site with that particular future land use designation.
 - 1. It is understood that the following chart is not intended to identify the only zoning districts that can implement the Future Land Use Map designations. The zoning districts identified on the chart are the districts commonly associated with the Future Land Use Map designations listed in the left-hand column. The identified districts are consistent with the comprehensive plan when selected for a site having the land use designation shown on the chart and when the district is also consistent with the goals objectives and policies of the Plan; this will usually be the case. An implementing zoning district, which is not specifically identified on this chart, but is consistent with the goals, objectives and policies of the plan, may be selected for a site that is more limited than the Future Land Use Map designation and be consistent with the Comprehensive Plan. It is understood that the present and or proposed use of land and the zoning district associated with that use may, consistent with the plan, be more limited than the future land use designation on the Future Land Use Map based on transportation impacts, available utilities, existing environmental conditions and or upon a finding by the Board of Commissioners the proposed development may be incompatible with the Plan or existing/proposed adjacent development.

Table II.1.2. – Future Land Use Categories and Zoning Districts

Future Land Use Category	Zoning District(s)
Environmentally Sensitive Area	CON, AG
Rural Residential	CON, AG, RR, RE
Neighborhood Residential	CON, R1, R2, R3, R4,
Compact Residential	CON, RM1, RM2
Mixed Use Residential	CON, NC, C1, CC-MX, RM1, RM2
Office/Neighborhood Service	CON, NO, O, NC
Commercial Corridor	CON, NC, C1, CC-MX, NO
Mixed Use Commercial	CON, C2, CC-MX, RC-MX, O
Public/Institutional	CON. GG, P, M3
Park/Public Activity	CON, OR, GG, M3

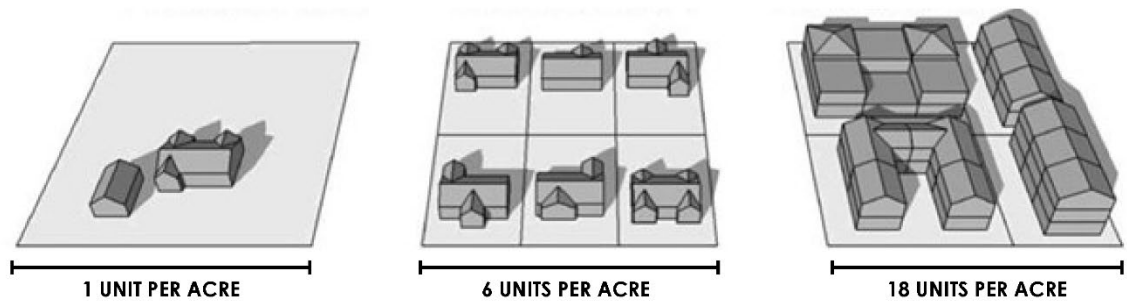
1.2. STANDARDS OF MEASUREMENT

1.2.1. DENSITY AND INTENSITY

A. **Calculation of Density.** Residential density shall be measured by dwelling units per gross acre (du/ac). For example, if a development of one hundred (100) acres is entitled to ten (10) dwelling units per acre, the maximum permitted density within the development is one thousand (1000) dwelling units. Maximum density and/or intensity is not guaranteed subject to compatibility of uses or districts, onsite features, and other standards as regulated by the LDR.

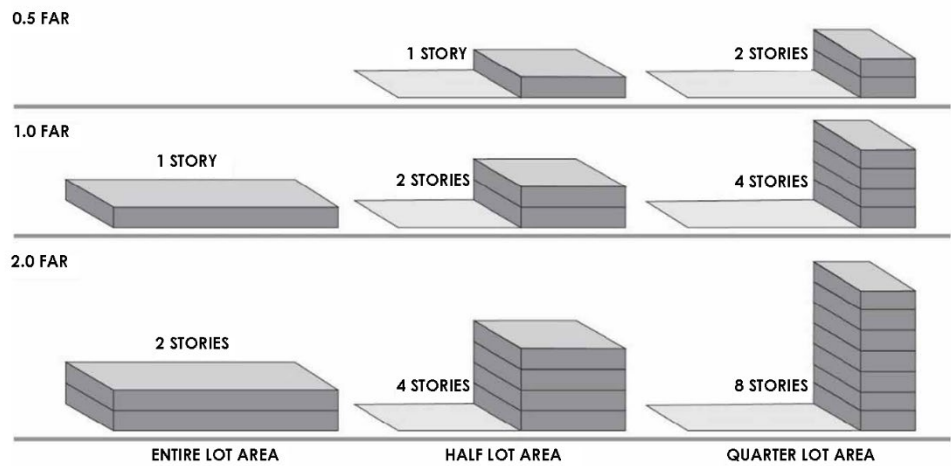
1. All residential densities denoted in the adopted Comprehensive Plan are not guaranteed by right. The appropriate allocation of density shall encourage sustainable development.
2. Subdivision, zoning, and site plan review criteria and procedures shall assure that density is consistent with established residential development patterns and provides equitable use of the land.
3. For legal lots of record existing as of the effective date of this LDR, densities less than the minimum density requirements defined in the City's Comprehensive Plan are permitted.
4. Residential Density is calculated as gross density, where the gross acreage includes all lands within the parcel boundaries.

Figure II.1.1 Density



B. Non-Residential Intensity Defined. Floor Area Ratio (FAR). Non-Residential Development (“Intensity”) is measured in Floor Area Ratio (FAR). FAR is calculated by dividing the total size of the building/structure (in square feet) by the total size (in square feet) of the lot on which the building is located. For example, a 5,000-square foot building on a 10,000 square foot lot equals an FAR of 0.5.

Figure II.1.2 Floor Area Ratio Graphic



1.2.2. STANDARDS OF GENERAL APPLICABILITY

Standards of general applicability shall include the subsections below. These standards shall be defined and make up the requirements of each district's development standards table.

A. **Building Height.** *Building Height* shall be defined by stories rather than a specific height expressed in feet; however, each story shall have maximum height limitations expressed in feet. The measurement of a "story" shall be defined in *Section II.1.2.2(A)(2) Measurement of a Story*. Height is limited to a maximum story allowance in each district's standard development table.

1. **Story Above Grade Plane.** Any story having its finished floor surface entirely above grade plane. Any floor levels partially below the grade at the building's exterior may fall under this category. There are two criteria to determine if a given floor level is to be considered a story above grade plane:
 - (1) If the finished floor level above the level under consideration is more than six (6) feet above the grade plane, the level under consideration is a story above grade plane; or
 - (2) If the finished floor level above the level under consideration is more than twelve (12) feet above the finished ground level at any point, the floor level under consideration shall be considered a story above grade plane.
 - (3) If either of the conditions above exist, the level under consideration is to be considered a story above grade plane.
 - (4) If the finished floor level above the level under consideration is six (6) feet or less above the grade plane and does not exceed twelve (12) feet at any point, the floor level under consideration is not considered a story above grade plane and therefore is considered a basement.

Figure II.1.3 Building Height Illustrations



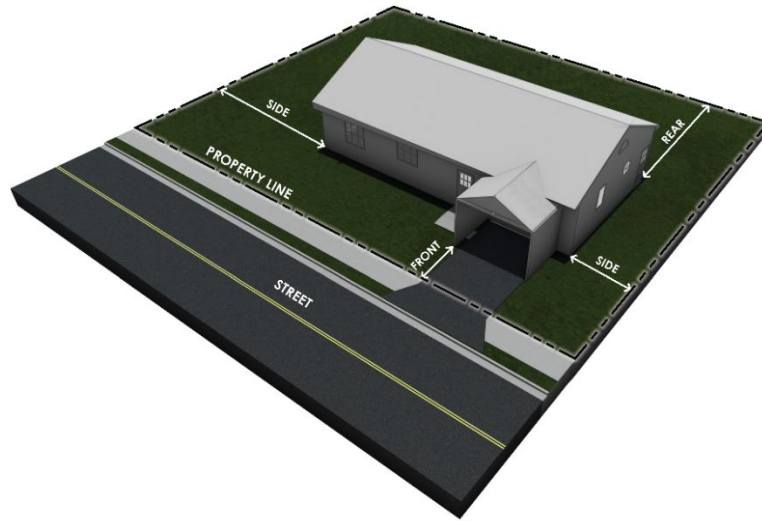
2. **Measurement of Story.** For the purpose of calculating heights of a story, the ground floor (i.e. first story) of a structure shall be a maximum of twenty (20) feet. Additional stories shall be a maximum of fifteen (15) feet for each individual story. Building heights are limited through the district development standards table for each district. To allow for a wide variety of building designs, requests to modify the allowable height of stories, so long as the maximum permitted height of the structure is not exceeded, may be permitted via a design alternative.

- (1) **Habitable Space.** Stories are understood to also include the habitable space of a building excluding rooflines, architectural features or similar. If there is habitable space on the rooftop of a structure (i.e. an active eating area, pool, or rooftop lounge), it is understood this shall constitute a story as defined in this LDR. Non-habitable rooftop elements, such as cornices, porch roofs, turrets, towers, or dormers, are limited to ten (10) feet in height. Non-habitable rooftop structures, such as structures used for sheltering

mechanical and electrical equipment, tanks, elevators and related machinery, shall be limited to fifteen (15) feet in height, not including base floor elevation (B.F.E.)

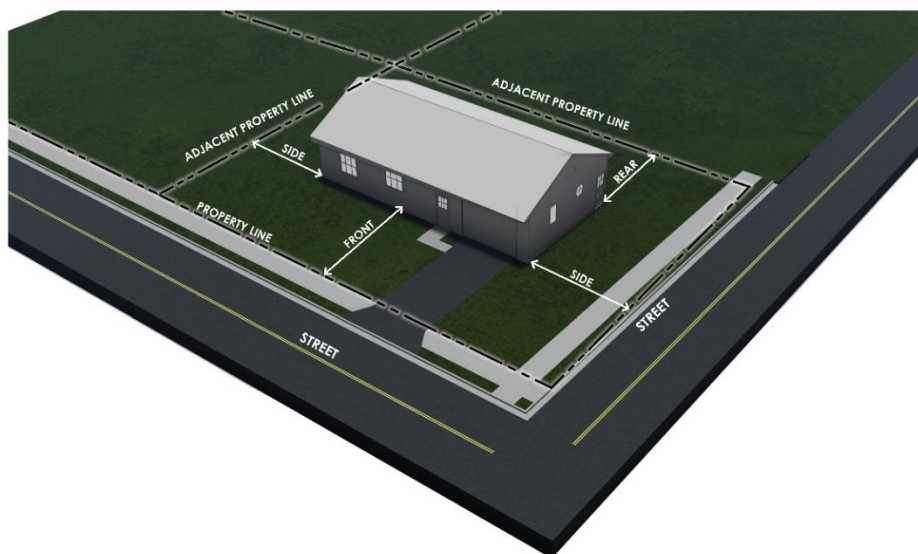
- B. Building Placement (Setbacks).** *Building Placement (Setbacks)*, shall be measured from the nearest part of the applicable building, structure or sign, measured perpendicularly to the lot line or street right-of-way line. Setbacks are designated by a front setback requirement, side setback requirements, and a rear setback requirement. Provisions for setbacks for accessory structures are made in each respective district below, or in *Section II.2 Uses*, of the LDR for each respective use. It is understood, for the purpose of calculating setback requirements and yards, three configurations of lots exist: interior lots, corner lots, and through lots. A lot which abuts a cul-de-sac street design, featuring a radial primary street yard, shall measure its primary street setback at the point in which the side and front lot lines would have met without rounding.
1. **Contextual Setback.** Contextual setbacks shall be based on existing adjacent buildings on abutting lots that establish a consistent pattern along the block. Any new construction or additions to existing buildings shall comply with the average setback pattern rather than the zoning district's minimum street setback requirement.
 2. **Interior Lot.** A lot bounded by a street on only one side. For the purpose of setbacks and yards, the street yard shall be recognized as the primary (i.e. front) yard. An interior lot shall have one primary front yard, two side yards, and one rear yard. Orientation of the building, driveway and entrances shall be required respective of the primary front yard.

Figure II.1.4 Setback – Interior Lot



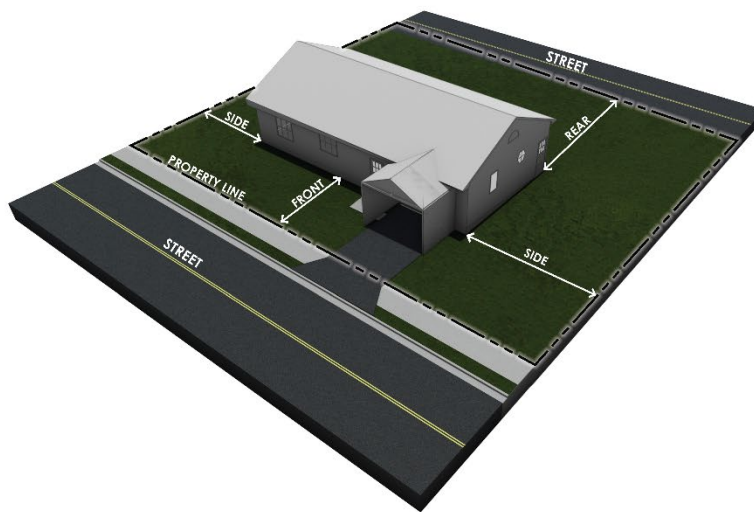
3. **Corner Lot.** A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new building, to designate its primary front yard, which shall dictate its front setback requirement. Orientation of the building, driveways and entrances on the lot shall be required respective of the primary front yard but may also be permitted on a non-primary front yard. Additional side yard setbacks may be required for corner lots.

Figure II.1.5 Corner Lot



4. **Through Lot.** A lot which has frontage on two parallel streets. Each through lot shall be required to designate its primary front yard, which shall dictate its front setback requirements. Orientation of the building, driveways and entrances on the lot shall be required in the primary front yard and may not be permitted on a non-primary front yard. Additional side or rear yard setbacks may be required for a through lot. If one of the streets is designated as a local street or alleyway, garage access may be permitted from the local street or alleyway.

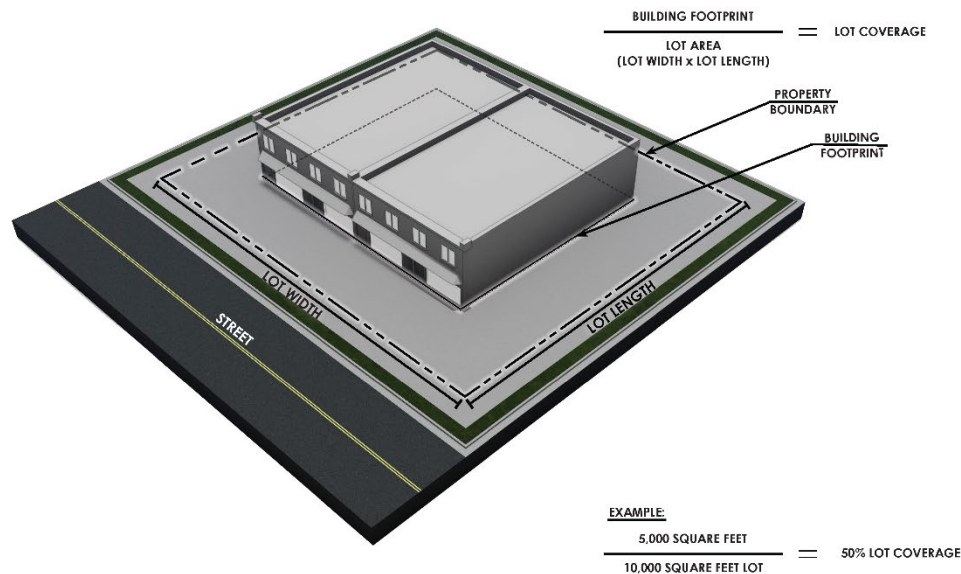
Figure II.1.6 Setback – Through Lot



C. **Lot Measurements.** Lot requirements shall include the following terms defined:

1. **Lot.** Lots are parcels of land, either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership or possession or for development.
2. **Lot Width.** Lot width is the distance between the side lot lines (generally running perpendicular to a street) measured at the primary street property line along a straight line or along the chord of the property line.
3. **Lot Length.** Lot length is the distance between the front and rear property lines measured along a line midway between the side property lines.
4. **Coverage.** Lot coverage is the minimum and maximum area of a lot that is permitted to be covered by roofed structures. Lot coverage does not include paved areas such as parking lots, driveways or pedestrian walkways.

Figure II.1.7 Lot Measurements

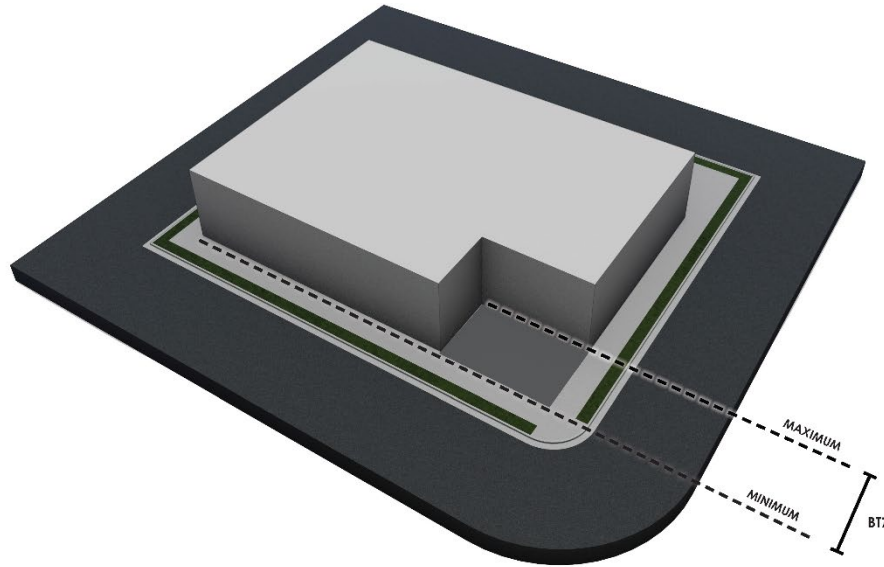


D. Equipment Considerations. Mechanical, electrical, and plumbing equipment (including air-conditioning and pool equipment) are exempt from side and rear yard requirements but shall not be located any closer than five (5) feet from the property line except where may be otherwise regulated.

E. Building Placement.

1. Each mixed-use zoning district shall define standards for building placement in the form of a Build-To Zone (BTZ).
2. The BTZ shall include a range of distances, expressed as a minimum and maximum setback, and is defined as the range at which construction of a building façade is to occur on the lot.
3. The BTZ runs parallel to the property line, ensuring a uniform building façade along the street.
4. The BTZ shall include a front/street, side, and rear measurement requirements.

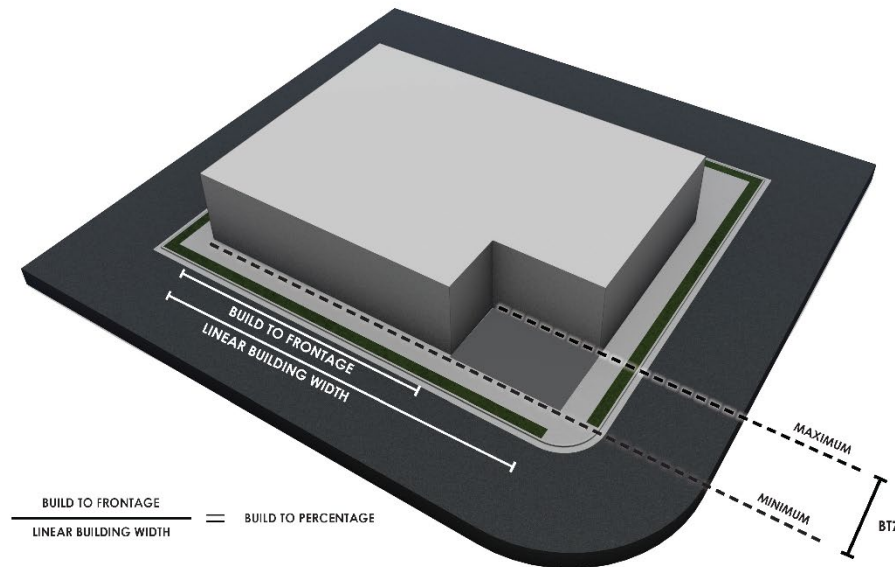
Figure II.1.8 Building Placement



F. **Frontage.** Frontage, also referred to as the Build To Percentage Requirement, defines the percentage of the width of the building in relationship to the width of the lot. Frontage dictates what percentage of the linear distance of the building facade that must be located along the lot width.

1. **Active Use Areas.** *Active Use Areas* are defined as those areas along a frontage that provide for active uses such as a forecourt, courtyards, opportunities for outdoor dining, merchandise display, and/or shared gardens. Active use areas are encouraged and may be used to achieve frontage requirements. See *Section III.2 Open Space Type Standards* for additional standards for active use areas.

Figure II.1.9 Frontage



1.3. TRADITIONAL DISTRICT DEVELOPMENT STANDARDS

The regulations outlining the permitted Uses within each district and the associated standards are set forth in *Table II.2.1. Use Table and Section II.2 Uses*. The following describes each Zoning District.

1.3.1. COMMERCIAL ZONING DISTRICTS.

A. C1: Community Commercial District.

1. **Purpose and Intent.** The Community Commercial District is a medium Scale commercial district designed to serve not only adjacent neighborhoods, but also the greater community. This district shall be served by all municipal services (public water and sewer).
2. **Development Standards.** The C1 district shall conform to the standards identified below.

Table II.1.3. C1 Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	50 FT
IMPERVIOUS SITE COVERAGE (MAX)	70 PERCENT ¹
FAR (MAX)	N/A
BUILDING PLACEMENT AND HEIGHT STANDARDS (BUILD-TO-ZONE; BTZ)	
FRONT	10 TO 20 FT
REAR (MIN)	7.5 FT
SIDE	10 TO 20 FT
BUILDING HEIGHT (MAX)	2 STORIES
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	45 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER ²
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	SIDE AND REAR YARD
NOTES	
1. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-PERVIOUS 2. PROVIDE ONE (1) ENTRANCE FOR EVERY SEVENTY-FIVE (75) FEET OF BUILDING FRONTAGE ON FRONT AND SIDE FACADES AND ONE (1) PER ONE HUNDRED (100) FEET OF FAÇADE FACING PARKING LOTS	

B. C2: Regional Commercial District.

1. **Purpose and Intent.** The Regional Commercial District is a large-scale commercial district designed to serve the greater community and adjacent communities. Of the two (2) commercial districts, it allows the widest range of Uses. This district shall be served by all municipal services (public water and sewer).
2. **Development Standards.** The C2 district shall conform to the standards identified below.

Table II.1.4. C2 Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	100 FT ¹
IMPERVIOUS SITE COVERAGE (MAX)	70 PERCENT ²
FAR (MAX)	N/A
BUILDING PLACEMENT AND HEIGHT STANDARDS (BUILD-TO-ZONE; BTZ)	
FRONT (MIN)	50 FT
REAR (MIN)	7.5 FT
SIDE (MIN)	10 FT
BUILDING HEIGHT (MAX)	2 STORIES
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	60 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	ALL YARDS ³
NOTES	
1. LOTS GREATER THAN 200 FEET WIDE ARE PERMITTED AN ADDITIONAL DRIVEWAY 2. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-PERVIOUS 3. PARKING SHALL BE SET BACK A MINIMUM OF TWENTY (20) FEET FROM THE FRONT AND TEN (10) FEET FROM THE CORNER PROPERTY LINES	

1.3.2. OFFICE DISTRICTS.**A. NO: Neighborhood Office District.**

1. **Purpose and Intent.** The Neighborhood Office District is a small-scale office district. This district shall be served by all municipal services (public water and sewer).
2. **Development Standards.** The NO district shall conform to the standards identified below.

Table II.1.5. NO Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	40 FT
IMPERVIOUS SITE COVERAGE (MAX)	65 PERCENT ¹
FAR (MAX)	N/A
SETBACK AND HEIGHT STANDARDS	
FRONT	7 AND 15 FT
REAR (MIN)	7.5 FT
SIDE (MIN)	7.5 FT ²
BUILDING HEIGHT (MAX)	2.5 STORIES
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	60 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	REAR YARD ³
NOTES	
1. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-PERVIOUS 2. FACADES ALONG STREETS SHALL BE CONSTRUCTED WITHIN SEVEN (7) AND FIFTEEN (15) FEET FROM THE PROPERTY LINE 3. OFF STREET PARKING IS ONLY PERMITTED BEHIND THE BUILDING AND NOT IN REAR-SIDE YARDS ON CORNER LOTS.	

B. O: Office District.

1. **Purpose and Intent.** The Office District allows for the same types of Uses as Neighborhood Office District, but on a larger Scale. This district shall be served by all municipal services (public water and sewer).
2. **Development Standards.** The O district shall conform to the standards identified below.

Table II.1.6. O Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	50'
IMPERVIOUS SITE COVERAGE (MAX)	65 PERCENT ¹
FAR (MAX)	N/A
SETBACK AND HEIGHT STANDARDS	
FRONT	10 AND 25 FT
REAR (MIN)	7.5 FT
SIDE (MIN)	7.5 FT
BUILDING HEIGHT (MAX)	2.5 STORIES
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	60 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	REAR YARD ²
NOTES	
1. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-PERVIOUS	
2. OFF STREET PARKING IS ONLY PERMITTED BEHIND THE BUILDING AND NOT IN REAR-SIDE YARDS ON CORNER LOTS.	

1.3.3. INSTITUTIONAL DISTRICT.**A. P: Institutional District.**

1. **Purpose and Intent.** The Institutional District allows for the development of multiple Civic/ Institutional Uses. This district shall be served by all municipal services (public water and sewer), unless exempted by the MPC.
2. **Development Standards.** The P district shall conform to the standards identified below.

Table II.1.7 P Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	80 FT ¹
IMPERVIOUS SITE COVERAGE (MAX)	55 PERCENT ²
FAR (MAX)	N/A
SETBACK AND HEIGHT STANDARDS	
FRONT (MIN)	15 FT
REAR (MIN)	20 FT
SIDE (MIN)	10 FT ³
BUILDING HEIGHT (MAX)	2 STORIES
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	60 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	SIDE AND REAR YARD
NOTES	
1. LOTS GREATER THAN 400 FEET WIDE ARE PERMITTED AN ADDITIONAL DRIVEWAY	
2. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-PERVIOUS	
3. MINIMUM SIDE SETBACK ALONG STREETS IS 15 FEET	

1.3.4. RESIDENTIAL DISTRICTS.**A. RR: Rural Residential District.**

1. **Purpose and Intent.** RR allows for and encourages resource conservation and development with an agricultural orientation. It permits a combination of residential and agricultural development. These areas may be served by a rural level of municipal services (public water and sewer are not required if conditions are met).
2. **Development Standards.** The RR district shall conform to the standards identified below.

Table II.1.8 RR Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	2 ACRES (87,120 FT)
LOT WIDTH (MIN)	150 FT
BUILDING COVERAGE (MAX)	6 PERCENT
DENSITY (MAX)	1 DWELLING UNIT / 2 ACRES
SETBACK AND HEIGHT STANDARDS	
FRONT (MIN)	50 FT
REAR (MIN)	50 FT
SIDE (MIN)	25 FT ¹
BUILDING HEIGHT (MAX)	3 STORIES
NOTES	
1. MINIMUM SIDE SETBACK ALONG STREETS IS 50 FEET	

B. ER: Estate Residential District.

1. **Purpose and Intent.** ER allows for the large Lot residential development. These areas may be served by a rural level of municipal services (public water and sewer are not required if conditions are met).
2. **Development Standards.** The ER district shall conform to the standards identified below.

Table II.1.9. ER Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	1 ACRE
LOT WIDTH (MIN)	100 FT
BUILDING COVERAGE (MAX)	6 PERCENT
DENSITY (MAX)	1 DWELLING UNIT / 1 ACRE
SETBACK AND HEIGHT STANDARDS	
FRONT (MIN)	50 FT
REAR (MIN)	50 FT
SIDE (MIN)	25 FT
BUILDING HEIGHT (MAX)	3 STORIES
NOTES	
1. MINIMUM SIDE SETBACK ALONG STREETS IS 50 FEET	

[THIS PORTION OF THE PAGE INTENTIONALLY LEFT BLANK]

C. R1: Suburban Estate District.

1. **Purpose and Intent.** R1 allows for large Lot residential development. These areas should be served by all municipal services (public water and sewer).
2. **Development Standards.** The R1 district shall conform to the standards identified below.

Table II.1.10. R1 Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	17,500 SF
LOT WIDTH (MIN / MAX)	100 FT / 200 FT
BUILDING COVERAGE (MAX)	20 PERCENT
DENSITY (MAX)	2 DWELLING UNITS / 1 ACRE
SETBACK AND HEIGHT STANDARDS	
FRONT (MIN)	30 FT
REAR (MIN)	30 FT
SIDE (MIN)	10 FT ¹
BUILDING HEIGHT (MAX)	3 STORIES
NOTES	
1. MINIMUM SIDE SETBACK ALONG STREETS IS 30 FEET	

[THIS PORTION OF THE PAGE INTENTIONALLY LEFT BLANK]

D. R2: Suburban Manor District.

1. **Purpose and Intent.** This district allows for large lot residential development. These areas should be served by all municipal services (public water and sewer).
2. **Development Standards.** The R2 district shall conform to the standards identified below.

Table II.1.11. R2 Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	10,000 SF
LOT WIDTH (MIN / MAX)	70 FT / 100 FT
BUILDING COVERAGE (MAX)	35 PERCENT
DENSITY (MAX)	4 DWELLING UNITS / 1 ACRE
SETBACK AND HEIGHT STANDARDS	
FRONT (MIN)	30 FT
REAR (MIN)	25 FT
SIDE (MIN)	5 FT ¹
BUILDING HEIGHT (MAX)	2.5 STORIES
NOTES	
1. MINIMUM SIDE SETBACK ALONG STREETS IS 30 FEET	

[THIS PORTION OF THE PAGE INTENTIONALLY LEFT BLANK]

E. R3: Suburban Cottage District.

1. **Purpose and Intent.** R3 allows for single family residential development on smaller lots. These areas should be served by all municipal services (public water and sewer).
2. **Development Standards.** The R3 district shall conform to the standards identified below.

Table II.1.12. R3 Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	5,500 SF
LOT WIDTH (MIN / MAX)	55 FT / 70 FT
BUILDING COVERAGE (MAX)	40 PERCENT
DENSITY (MAX)	7.5 DWELLING UNITS / 1 ACRE
SETBACK AND HEIGHT STANDARDS	
FRONT (MIN)	15 FT
REAR (MIN)	15 FT
SIDE (MIN)	5 FT ¹
BUILDING HEIGHT (MAX)	2 STORIES
NOTES	
1. MINIMUM SIDE SETBACK ALONG STREETS IS 15 FEET	

[THIS PORTION OF THE PAGE INTENTIONALLY LEFT BLANK]

F. R4: Urban Estate.

1. **Purpose and Intent.** R4 allows for single family residential development. These areas should be served by all municipal services (public water and sewer).
2. **Development Standards.** The R4 district shall conform to the standards identified below.

Table II.1.13. R4 Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	4,500 SF
LOT WIDTH (MIN)	MIN. OF 50 FT & MAX OF 60FT
BUILDING COVERAGE (MAX)	45 PERCENT
IMPERVIOUS SITE COVERAGE (MAX)	60 PERCENT
DENSITY (MAX)	9.5 DWELLING UNITS / 1 ACRE
SETBACK AND HEIGHT STANDARDS	
FRONT (MIN / MAX)	7 FT / 15 FT
REAR (MIN)	5 FT
SIDE (MIN)	5 FT ¹
BUILDING HEIGHT (MAX)	2.5 STORIES
NOTES	
1. SIDE SETBACK ALONG STREETS IS MINIMUM SEVEN (7) FEET AND MAXIMUM FIFTEEN (15) FEET	

[THIS PORTION OF THE PAGE INTENTIONALLY LEFT BLANK]

G. RM1: Attached Residential District.

1. **Purpose and Intent.** This district allows for the construction of single family attached homes with zero interior lot lines. These areas should be served by all municipal services (public water and sewer).
2. **Development Standards.** The RM1 district shall conform to the standards identified below.

Table II.1.14. RM1 Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	1,500 SF PER UNIT
LOT WIDTH (MIN)	20 FT PER UNIT
BUILDING COVERAGE (MAX)	75 PERCENT
DENSITY (MAX)	29 DWELLING UNITS / 1 ACRE
BUILDING PLACEMENT AND HEIGHT STANDARDS (BUILD-TO-ZONE; BTZ)	
FRONT (MIN / MAX)	10 FT / 20 FT
REAR (MIN)	0-5 FT
SIDE (MIN)	0-5 FT ^{1,2}
BUILDING HEIGHT (MAX)	3 STORIES
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	SIDE AND REAR YARD ³
NOTES	
1. SIDE SETBACK ALONG STREETS IS MINIMUM 7 FEET AND MAXIMUM TWENTY (20) FEET 2. A MINIMUM OF TWO (2) AND MAXIMUM OF SIX (6) CONTIGUOUS UNITS ARE PERMITTED WITHOUT SIDE YARD 3. PARKING IS PERMITTED FULLY BELOW GRADE OR INTERNALLY IN THE REAR OF THE BUILDING SO LONG AS A FIFTEEN (15) FOOT MINIMUM DEPTH OF HABITABLE SPACE IS PROVIDED FROM THE FRONT SETBACK	

H. RM2: Multifamily Residential District.

1. **Purpose and Intent.** This district allows for multiple family residential development. These areas should be served by all municipal services (public water and sewer).
2. **Development Standards.** The RM2 district shall conform to the standards identified below.

Table II.1.15. RM2 Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	3,500 SF PER UNIT
LOT WIDTH (MIN)	50 FT
BUILDING COVERAGE (MAX)	45 PERCENT
DENSITY (MAX)	12 DWELLING UNITS / 1 ACRE
BUILDING PLACEMENT AND HEIGHT STANDARDS (BUILD-TO-ZONE; BTZ)	
FRONT (MIN / MAX)	10 FT / 20 FT
REAR (MIN)	10 FT
SIDE	10 TO 20 FT
BUILDING HEIGHT (MAX)	4 STORIES
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	60 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER ¹
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	SIDE AND REAR YARD ^{2,3}
NOTES	
1. PROVIDE ONE (1) ENTRANCE FOR EVERY SEVENTY-FIVE (75) FEET OF BUILDING FRONTAGE ON FRONT AND SIDE FACADES 2. PARKING IS PERMITTED FULLY BELOW GRADE OR INTERNALLY IN THE REAR OF THE BUILDING SO LONG AS A THIRTY (30) FOOT MINIMUM DEPTH OF HABITABLE SPACE IS PROVIDED FROM THE FRONT SETBACK. 3. STRUCTURED PARKING SHALL BE NO TALLER THAN THE HEIGHT OF THE BUILDING AT THE FRONT PROPERTY LINE	

1.3.5. OPEN SPACE AND RECREATION DISTRICTS.

- A. **GG: General Government District.** The open space in this district serves the community. The Plaza, Square, Close, Pocket Park, Green, Linear Park, and Park are the permitted Open Space Types. The City shall use this district for civic functions, city-wide public parks, and greenways.
- B. **OR: Outdoor Recreation District.** This district allows for the Green, Linear Park, and Park. It also allows for large Scale outdoor recreation, such as golf courses.
- C. **CON: Conservation.** Unlike the other Open Space Districts, this district's goal is to conserve the existing unique and natural features within the City. This district shall be utilized for required Streamside Management Buffers (refer to *Section IV.4 Streamside Buffers*) and Scenic Corridor Buffers (refer to *Section IV.1.6.7 Scenic Corridor*, when zoned).

1.3.6. AGRICULTURE DISTRICT.

- A. **AG: Agriculture District.**
1. **Purpose and Intent.** The Agriculture district allows for both Agriculture, large lot residential, and commercial Uses. See also *Section II.2 Uses* for accessory building standards. These areas may be served by a rural level of municipal services (public water and sewer are not required if certain conditions are met).
 2. **Development Standards.** The AG district shall conform to the standards identified below.

Table II.1.16. AG Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	5 ACRES
LOT WIDTH (MIN)	150 FT
BUILDING COVERAGE (MAX)	6 PERCENT
DENSITY (MAX)	1 DWELLING UNIT / 5 ACRES
SETBACK AND HEIGHT STANDARDS	
FRONT (MIN)	50 FT
REAR (MIN)	50 FT
SIDE (MIN)	25 FT ¹
BUILDING HEIGHT (MAX)	3 STORIES
NOTES	
1. MINIMUM SIDE SETBACK ALONG STREETS IS 50 FEET	

1.3.7. MANUFACTURING DISTRICTS.**A. M1: Light Manufacturing District.**

1. **Purpose and Intent.** The M1 Light Manufacturing District allows for small Scale industrial manufacturing and assembly. The Uses permitted in this district are restricted based upon potential by-products of traffic, noise, and pollution. These areas shall be served by all municipal services (public water and sewer). Such uses may require additional screening based on location to non-industrial manufacturing districts.
2. **Development Standards.** The M1 district shall conform to the standards identified below.

Table II.1.17. M1 Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	75 FT
IMPERVIOUS SITE COVERAGE (MAX)	65 PERCENT ¹
FAR (MAX)	0.5
SETBACK AND HEIGHT STANDARDS	
FRONT	25 FT ²
REAR (MIN)	15 FT ²
SIDE (MIN)	15 FT ²
BUILDING HEIGHT (MAX)	2.5 STORIES
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	60 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	SIDE AND REAR YARD
NOTES	
1. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-IMPERVIOUS	
2. 50 FT SETBACK WHERE ABUTTING RESIDENTIAL DISTRICT	

B. M2: Manufacturing District.

1. **Purpose and Intent.** M2 Manufacturing District is an industrial district that allows for more intense activities such as warehousing and distribution of goods and the manufacture of goods that may produce negative by-products such as traffic, noise, and pollution, in addition to the Uses in M1. These areas shall be served by all municipal services (public water and sewer).
2. **Development Standards.** The M2 district shall conform to the standards identified below.

Table II.1.18. M2 Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	100 FT ¹
IMPERVIOUS SITE COVERAGE (MAX)	70 PERCENT ²
FAR (MAX)	1.0
SETBACK AND HEIGHT STANDARDS	
FRONT (MIN)	30 FT ⁴
REAR (MIN)	15 FT ⁴
SIDE (MIN)	15 FT ⁴
BUILDING HEIGHT (MAX)	2 STORIES
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	45 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER ³
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	SIDE AND REAR YARD
NOTES	
1. LOTS GREATER THAN 400 FEET WIDE ARE PERMITTED AN ADDITIONAL DRIVEWAY 2. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-PERVIOUS 3. PROVIDE ONE (1) ENTRANCE FOR EVERY SEVENTY-FIVE (75) FEET OF BUILDING FRONTAGE ON FRONT AND SIDE FACADES AND ONE (1) PER ONE HUNDRED (100) FEET OF FAÇADE FACING PARKING LOTS 4. 100 FT SETBACK WHERE ABUTTING RESIDENTIAL DISTRICT	

C. M3: Infrastructure District.

1. **Purpose and Intent.** This district is applied to Parcels of land that contain the City's infrastructure, including utilities.
2. **Development Standards.** The M3 district shall conform to the standards identified below.

Table II.1.19. M3 Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	80 FT ¹
IMPERVIOUS SITE COVERAGE (MAX)	70 PERCENT ²
FAR (MAX)	N/A
SETBACK AND HEIGHT STANDARDS	
FRONT (MIN)	15 FT
REAR (MIN)	20 FT
SIDE (MIN)	10 FT ³
BUILDING HEIGHT (MAX)	2 STORIES, NOT TO EXCEED 35 FT
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	60 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	SIDE AND REAR YARD
NOTES	
1. LOTS GREATER THAN 400 FEET WIDE ARE PERMITTED AN ADDITIONAL DRIVEWAY 2. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-PERVIOUS 3. MINIMUM SIDE SETBACK ALONG STREETS IS 15 FEET	

1.4. MIXED-USE DISTRICT DEVELOPMENT STANDARDS

A. NC: Neighborhood Commercial District.

1. **Purpose and Intent.** The Neighborhood Commercial District is a small-Scale Mixed-Use district. This district is suited for small Nodes of commercial serving adjacent neighborhoods and for larger neighborhood commercial Nodes. This district shall be served by all municipal services (public water and sewer).
2. **Development Standards.** The NC district shall conform to the standards identified below.

Table II.1.20. NC Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	30 FT
IMPERVIOUS SITE COVERAGE (MAX)	80 PERCENT ¹
FAR (MAX)	
BUILDING PLACEMENT AND HEIGHT STANDARDS (BUILD-TO-ZONE; BTZ)	
FRONT (RANGE)	5 TO 10 FT
REAR (MIN)	7.5 FT
SIDE (MIN)	5 FT
BUILDING HEIGHT (MAX)	3 STORIES, NOT TO EXCEED 50 FT
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	80 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER ²
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	REAR YARD
OTHER STANDARDS	
SHARED PARKING	REQUIRED
NONRESIDENTIAL DEVELOPMENT (MIN / MAX)	25% / 60%
RESIDENTIAL DEVELOPMENT (MIN / MAX)	25% / 50%

OPEN SPACE (MIN)	<i>PER SECTION III.2.6 MINIMUM OPEN SPACE REQUIREMENTS FOR DEVELOPMENT</i>
NOTES	
1. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-PERVIOUS	
2. PROVIDE ONE (1) ENTRANCE FOR EVERY SEVENTY-FIVE (75) FEET OF BUILDING FRONTAGE ON FRONT AND SIDE FACADES AND ONE (1) PER ONE HUNDREED (100) FEET OF FAÇADE FACING PARKING LOTS	

3. Additional Development Standards

(1) Exceptions.

- i. For Parcels with Developable Area smaller than five (5) acres, no minimum commercial area is required.

[THIS PORTION OF THE PAGE INTENTIONALLY LEFT BLANK]

B. TC: Town Center District.

1. **Purpose and Intent.** The Town Center District is a moderate scale Mixed-Use district used as the City's traditional town center that features areas of economic, entertainment, and community activities that encourages pedestrian accessibility and activity. The intent of the TC district is to create a vibrant, active town center that features a compatible mix of uses, residential and nonresidential.
2. **Development Standards.** The TC district shall conform to the standards identified below.

Table II.1.21. TC Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	N/A
IMPERVIOUS SITE COVERAGE (MAX)	90 PERCENT ¹
DENSITY (MAX)	N/A ²
BUILDING PLACEMENT AND HEIGHT STANDARDS (BUILD-TO-ZONE; BTZ)	
FRONT	0 TO 10 FT
REAR	0 TO 10 FT
SIDE	0 TO 20 FT
BUILDING HEIGHT (MAX)	4 STORIES, NOT TO EXCEED 70 FT
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	60 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER ²
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	REAR YARD
OTHER STANDARDS	
SHARED PARKING	REQUIRED
NONRESIDENTIAL DEVELOPMENT (MIN / MAX)	25% / 60%
RESIDENTIAL DEVELOPMENT (MIN / MAX)	25% / 50%
OPEN SPACE (MIN)	PER SECTION III.2.6 MINIMUM OPEN SPACE REQUIREMENTS FOR DEVELOPMENT

NOTES

1. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-PERVIOUS
2. DENSITY IS REGULATED BY BUILDING HEIGHT AND REQUIRED OFF-STREET PARKING
3. PROVIDE ONE (1) ENTRANCE FOR EVERY SEVENTY-FIVE (75) FEET OF BUILDING FRONTAGE ON FRONT AND SIDE FACADES AND ONE (1) PER ONE HUNDREED (100) FEET OF FAÇADE FACING PARKING LOTS

3. Additional Development Standards.

- (1) **Timing of Development.** No more than fifty (50) percent of the approved residential units may be issued building permits until at least twenty-five (25) percent of the approved nonresidential square footage has been issued a building permit. The remaining residential units may be permitted upon approval (permit) of at least fifty (50) percent of approved nonresidential square footage.
- (2) **Exceptions.**
 - i. Drive-Throughs are not permitted.

[THIS PORTION OF THE PAGE INTENTIONALLY LEFT BLANK]

C. CC-MX: Community Corridor Mixed-Use District.

1. **Purpose and Intent.** The Community Corridor Mixed-Use District is a commercial mixed-use district designed to act as a transitional mixed-use district and serve multiple neighborhoods. It permits community level retail, employment, and residential uses through a mixed-use development.
2. **Development Standards.** The CC-MX district shall conform to the standards identified below.

Table II.1.22. CC-MX Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	50 FT
IMPERVIOUS SITE COVERAGE (MAX)	60 PERCENT ¹
DENSITY (MAX)	6 UNITS / ACRE
BUILDING PLACEMENT AND HEIGHT STANDARDS (BUILD-TO-ZONE; BTZ)	
FRONT	15 TO 30 FT
REAR	10 TO 50 FT
SIDE	5 TO 25 FT
BUILDING HEIGHT (MAX)	4 STORIES, NOT TO EXCEED 70 FT
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	60 PERCENT
ENTRANCE LOCATION	FRONT OR CORNER ²
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	REAR YARD
OTHER STANDARDS	
SHARED PARKING	REQUIRED
NONRESIDENTIAL DEVELOPMENT (MIN / MAX)	25% / 60%
RESIDENTIAL DEVELOPMENT (MIN / MAX)	25% / 50%

OPEN SPACE (MIN)	<i>PER SECTION III.2.6 MINIMUM OPEN SPACE REQUIREMENTS FOR DEVELOPMENT</i>
NOTES	
1. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-PERVIOUS	
2. PROVIDE ONE (1) ENTRANCE FOR EVERY SEVENTY-FIVE (75) FEET OF BUILDING FRONTAGE ON FRONT AND SIDE FACADES AND ONE (1) PER ONE HUNDREED (100) FEET OF FAÇADE FACING PARKING LOTS	

3. Additional Development Standards.

- (1) Exceptions.
 - i. For developments fifty (50) acres or less, uses permitted in commercial and office districts are not permitted if all residences are located within one-half (1/2) mile of an existing Mixed Use or commercial district.

[THIS PORTION OF THE PAGE INTENTIONALLY LEFT BLANK]

D. RC-MX: Regional Corridor Mixed-Use District.

1. **Purpose and Intent.** The Regional Corridor Mixed-Use District is a commercial mixed-use district designed to serve the greater community and adjacent communities. It permits an intense concentration of retail, employment, and residential uses through a mixed-use development.
2. **Development Standards.** The RC-MX district shall conform to the standards identified below.

Table II.1.23. RC-MX Standards

LOT AND DENSITY STANDARDS	
LOT AREA (MIN)	N/A
LOT WIDTH (MIN)	25 FT
IMPERVIOUS SITE COVERAGE (MAX)	60 PERCENT ¹
DENSITY (MAX)	10 UNITS / ACRE
BUILDING PLACEMENT AND HEIGHT STANDARDS (BUILD-TO-ZONE; BTZ)	
FRONT	15 TO 50 FT
REAR	10 TO 100 FT
SIDE	5 TO 25 FT
BUILDING HEIGHT (MAX)	6 STORIES, NOT TO EXCEED 110 FT BUILDINGS ABOVE 3 STORIES SHALL BE PLACED CLOSER TO I-40 WHERE PRACTICABLE AND BE PLACED 100 FT AWAY FROM ADJACENT RESIDENTIALLY ZONED PROPERTIES
FRONTAGE STANDARDS	
PERCENTAGE REQUIREMENT (MIN)	65 PERCENT OUTPARCEL BUILDINGS MAY BE USED TO MEET FRONTAGE AND ENTRANCE REQUIREMENTS
ENTRANCE LOCATION	FRONT OR CORNER ²
OFF-STREET PARKING LOCATION	
LOCATION OF OFF-STREET PARKING	REAR YARD

OTHER STANDARDS	
SHARED PARKING	REQUIRED
NONRESIDENTIAL DEVELOPMENT (MIN / MAX)	25% / 60%
RESIDENTIAL DEVELOPMENT (MIN / MAX)	25% / 50%
OPEN SPACE (MIN)	<i>PER SECTION III.2.6 MINIMUM OPEN SPACE REQUIREMENTS FOR DEVELOPMENT</i>
NOTES	
1. AN ADDITIONAL FIFTEEN (15) PERCENT OF THE TOTAL LOT AREA MAY BE SEMI-PERVIOUS 2. PROVIDE ONE (1) ENTRANCE FOR EVERY SEVENTY-FIVE (75) FEET OF BUILDING FRONTAGE ON FRONT AND SIDE FACADES AND ONE (1) PER ONE HUNDREED (100) FEET OF FAÇADE FACING PARKING LOTS	

3. Additional Development Standards.

- (1) A Regional Corridor development is only permitted within 2,000 feet of the I-40 and Canada Road interchange.
- (2) **Timing of Development.** No more than fifty (50) percent of the approved residential units may be issued building permits until at least twenty-five (25) percent of the approved nonresidential square footage has been issued a building permit. The remaining residential units may be permitted upon approval (permit) of at least fifty (50) percent of approved nonresidential square footage.



11.2

2. USES

2.1. GENERAL REQUIREMENTS

- A. **Intent.** This Section outlines the Uses of land regulated in these Land Development Regulations.
- B. **General Provisions.** The following general provisions apply to the Uses outlined in these Land Development Regulations.
 - 1. A Parcel of land may contain more than one (1) Use.
 - 2. Uses are either permitted by-right in a district, permitted by-right with specific development or design parameters, or are Conditional Uses, which require a Conditional Use Permit (refer to *Section 1.4.8 Conditional Use Permit* to be developed.
 - 3. *Table II.2.1. Use Table* outlines the permitted Uses.
 - 4. Each use shall be located within a permitted Building Type or an Open

2. Uses	186
2.1. General Requirements	186
2.2. Principal Uses	187
2.3. Accessory Uses and Structures	206

Space Type (refer to *Section III.2 Open Space Type Standards* unless otherwise specified).

- C. **Organization.** The uses are grouped into general categories, which may contain lists or clusters of additional uses.
- D. If a use is not listed, but meets the criteria detailed in the category description or other info as may be provided, the Code Administrator may interpret the use as appropriate.
- E. If a use is not listed and does not meet the criteria in the category description, the Code Administrator shall interpret the use as inappropriate; this use shall only be permitted through amendment of these Land Development Regulations. A Variance of use is not permitted.

2.2. PRINCIPAL USES

2.2.1. USE TABLE

Table II.2.1. Use Table outlines the permitted Uses in each Zoning District. Each use is given one of the following designations. A Use may be designated differently in one Zoning District than in another.

- A. **Permitted (“P”).** These uses are permitted by-right in the districts in which they listed.
- B. **Permitted with Development Standards (“D”).** These uses are permitted by-right in the districts in which they are listed, if they are developed utilizing the standards detailed in *Section II.2.2.3 Development Standards For Specific Uses*.
- C. **Requires a Conditional Use Permit (“C”).** These uses require the approval of a Conditional Use Permit (refer to *Section I.4.8 Conditional Use Permit*) to occur in the districts in which they are listed. These uses shall also follow any development standards outlined in *Section II.2.2.3 Development Standards For Specific Uses*.
- D. **Not Permitted.** Boxes that do not contain a letter designation are not permitted in the corresponding zoning district.

Table II.2.1. Use Table

		Residential Districts								Non-Residential Districts											Mixed-Use Districts				
		Rural Residential (RR)	Exurban (RE)	Suburban Estate (R1)	Suburban Manor (R2)	Suburban Cottage (R3)	Urban Estate (R4)	Attached (RM1)	Multifamily (RM2)	Agriculture (A)	Community Commercial (C1)	Regional Commercial (C2)	Neighborhood Office (NO)	Office (O)	Institutional (P)	General Government (GG)	Outdoor Recreation (OR)	Conservation (CON)	Light Manufacturing (M1)	Manufacturing (M2)	Infrastructure (M3)	Neighborhood Commercial (NC)	Town Center (TC)	Community Corridor Mixed-Use (CC-MX)	Regional Corridor Mixed-Use (RC-MX)
Key: P = Permitted; C = Conditional Use; D = Development Standards		Section																							
Residential																									
Single Family Home	II.2.2.2(A)(3)	P	P	P	P	P	P			P			D												
Single Family Attached	II.2.2.2(A)(4)							P	P		C	C										P	P	P	
Multifamily	II.2.2.2(A)(2)								P		C	C										C	P	P	P
Bed and Breakfast	II. 2.2.3(A)		C	C						C	P	P		P								C	C		
Hotel/Motel <i>*(also subject to O-4-2024 with additional development standards)</i>	II. 2.2.3(C)											C											C	C	
Ind./Assisted Living/Nursing Home/Hospice	II. 2.2.3(B)		D	D	D	D	D	P	P		P	P		P											
Non-Residential																									
Civic																									
Neighborhood Assembly	II. 2.2.3(D)										D	D	D		D							D			
General Assembly	II. 2.2.3(E)											D			D								D	D	D
Large Scale Assembly	II. 2.2.3(F)											D			D										
Cemetery	II. 2.2.3(G)														C	C									
Hospital	II.2.2.2(B)(7)(2)											P		P											C
Library/Museum	II.2.2.2(B)(5)(3)										P	P			P	P	P	P				P	P		

Key: P = Permitted; C = Conditional Use;
D = Development Standards

D = Development Standards		Section																							
Civic Cont.																									
Police and Fire	II. 2.2.3(H)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Post Office	II.2.2.2(B)(5)(3)										P	P	P	P	P							P			
Government	II.2.2.2(B)(7)(4)														P	P					P	P			
Education																									
Public School: Pre-K to Junior High	II. 2.2.3(I)		P	P	P	P	P	P	P		D	D			D										
Private School: Pre-K to Junior High	II. 2.2.3(I)		P	P	P	P	P	P	P		D	D			D										
Public School: High School	II. 2.2.3(I)		P	P	P	P	P	P	P		D	D			D										
Private School: High School	II. 2.2.3(I)		P	P	P	P	P	P	P		D	D			D										
School: Higher Education	II.2.2.2(B)(6)(2)													P	P										
School: Vocational	II.2.2.2(B)(6)(4)										P	P	P	P	P					P	P	P	P		
Retail																									
Neighborhood Retail	II.2.2.2(B)(5)(3)										P	P										P	P	P	P
General Retail	II.2.2.2(B)(5)(1)										P	P												P	
Home Furnishings and Accessories Sale/Rental/Repair	II.2.2.2(B)(5)(1)										P	P											P	P	
Musical Instrument Repair and Sales	II.2.2.2(B)(5)(1)										P	P											P	P	

Key: P = Permitted; C = Conditional Use;
D = Development Standards

D = Development Standards		Section																								
Retail Cont.																										
Pawn Shop	II.2.2.2(B)(5)(1)											P	P													
Department Store	II.2.2.2(B)(5)(4)											P	P										P	P		
Vehicle Supply Shop (Parts)	II.2.2.2(B)(5)(1)											C	P							P	P					
Automobile, Truck, and Trailer Minor Repair/Sales/Rental	II.2.2.2(B)(7)(5)												C							P	P			C		
Larger Scale Retail	II.2.2.2(B)(5)(2)												P										D	D	P	
Warehouse Retail	II. 2.2.3(J)												D							C	D			D		
Outdoor Sales Lot	II. 2.2.3(K)												D											D		
Liquor Store	II. 2.2.3(L)												D										D	D	D	
Commercial Equip. & Supply	II. 2.2.3(M)																			D	D					
Firearms Dealer	II. 2.2.3(N)												P							D						
Neighborhood Personal Services	II.2.2.2(B)(7)(3)											P	P				D	D					P	P	P	
General Services	II.2.2.2(B)(7)(2)											P	P											P	P	
Regional Services	II.2.2.2(B)(7)(4)												P												P	
Concert Hall/Live Theatre	II.2.2.2(B)(7)(3)																	C						C	C	
Events Facility	II.2.2.2(B)(7)(4)											P	P					C						C	P	P

Key: P = Permitted; C = Conditional Use;
D = Development Standards

D = Development Standards		Section																									
Retail Cont.																											
Movie Theatre	II.2.2.2(B)(7)(4)											P	P	P	P												
Child Day Care	II.2.2.3(D)										P	P	P	P								P					
Outdoor Entertainment	II.2.2.2(B)(4)(3)											P											P	P	P		
Vehicle Service	II. 2.2.3(O)											C							C								
Professional Office	II.2.2.2(B)(3)										D	P	D	P										D	P		
Neighborhood Office	II.2.2.2(B)(3)(2)												P	P	P									P			
General Office	II. 2.2.3(Q)											D		D	D										P		
Research and Development	II. 2.2.3(R)												D	D					P	P							
Educational Services	II.2.2.2(B)(6)													P													
Licensed Massage Therapy	II.2.2.2(B)(7)(3)										D	P	D	D										D	P		
Medical and Dental with or without Laboratory	II.2.2.2(B)(7)(2)										D	P	D	D										D	P		
PR and Advertising	II.2.2.2(B)(7)(3)										P	P	P	P										P	P		
Radio and TV Studio	II.2.2.2(B)(7)(4)																										
Research Agency	II.2.2.3(R)																							P	P		
Surveying	II.2.2.2(B)(7)(4)												P	P					P					P	P		
Veterinarian	II.2.2.2(B)(7)(2)												P	P										D	P		

Key: P = Permitted; C = Conditional Use;
D = Development Standards

		Residential Districts								Non-Residential Districts										Mixed-Use Districts					
		Rural Residential (RR)	Exurban (RE)	Suburban Estate (R1)	Suburban Manor (R2)	Suburban Cottage (R3)	Urban Estate (R4)	Attached (RM1)	Multifamily (RM2)	Agriculture (A)	Community Commercial (C1)	Regional Commercial (C2)	Neighborhood Office (NO)	Office (O)	Institutional (P)	General Government (GG)	Outdoor Recreation (OR)	Conservation (CON)	Light Manufacturing (M1)	Manufacturing (M2)	Infrastructure (M3)	Neighborhood Commercial (NC)	Town Center (TC)	Community Corridor Mixed-Use (CC-MX)	Regional Corridor Mixed-Use (RC-MX)
Key: P = Permitted; C = Conditional Use; D = Development Standards		Section																							
Retail Cont.																									
Veterinarian with Overnight Stay	II.2.2.2(B)(7)(2)										D	D	D	D											D
Craftsman Use	II.2.2.3(S)										C	D							P	P		C			
Industrial and Flex																									
Commercial Bakery	II.2.2.2(B)(7)(3)																		P	P					
Ceramic Tyle, Floor, and Wall	II.2.2.2(B)(7)(2)																		P	P					
Construction – Special Trade Contractors	II.2.2.2(B)(7)(4)																		P	P					
Furniture and Fixtures	II.2.2.2(B)(7)(3)										P	P							P	P			C	P	P
Leather Products	II.2.2.2(B)(7)(3)																		P	P					
Metal Shop	II.2.2.2(B)(5)(1)																		P	P					
Miscellaneous Repair	II.2.2.2(B)(7)(2)																		P	P					
Pottery and Related Products	II.2.2.2(B)(7)(2)										P	P	C	C					P	P		C	C	C	C
Recording, Sound, or Film Studio	II.2.2.2(B)(7)(3)												P	P								P		P	P
Sign and Letter Shop	II.2.2.2(B)(5)(3)												C						P	P		C			
Taxidermy	II.2.2.2(B)(7)(2)									C									P	P					
Textile Mill Products	II.2.2.3(M)																		C	P					
Production and Assemblage	II.2.2.3(M)																		C	C					

Key: P = Permitted; C = Conditional Use;
D = Development Standards

D = Development Standards		Section																							
Industrial and Flex Cont.																									
Warehouse and Distribution	II.2.2.3(M)																		C	P					
Flex Facility	II.2.2.3(M)																		P	P					
Adult Oriented Business	II.2.2.3(U)																			P					
Parking Lot	II. 2.2.3(T)		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C		
Utility and Infrastructure	II.2.2.3(M)																		C	C	C				
Wireless Transmission Facility	II. 2.2.3(V)		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D			
Other																									
General Government	II.2.2.2(B)(7)(2)															P									
Large Scale Outdoor Recreation	II.2.2.2(B)(4)(3)																P		P						
Preserve/Conservation	II.2.2.2(B)(4)(3)																	P							
Shooting and Archery Range	II.II.2.2.3(W)																C		C						
Agriculture Equipment/Service/Supply	II. 2.2.3(X)	C								D									P	P					
Farming	II.2.2.3(X)	P								P															
Animal Boarding	II.2.2.2(B)(7)(2)	P								P	D	D													
Natural Resource Harvesting/Management	II.2.2.3(X)	P								P															

2.2.2. USE STANDARDS

Use standards are understood to include definitions for specific uses (identified in *Table II.2.1. Use Table*.) followed by additional standards for development and/or redevelopment. Each use is defined in *Section II.2.2.3 Development Standards For Specific Uses*.

A. Residential Uses.

1. **Dwelling, Accessory Unit.** A single secondary dwelling unit located on the same lot as the principal dwelling unit, whether part of the same structure as the principal dwelling unit or as a detached structure on the same lot.
2. **Dwelling, Multiple Family.** Multiple Dwelling Units located in the Principal Structure of a single Lot in which the units may or may not share a common wall with the adjacent (horizontally or vertically) unit(s) or share a common entrance.
3. **Dwelling, Single Family.** One (1) Dwelling Unit located within the Principal Structure of a Lot. A Modular Home is considered a Single-Family home for the purposes of these Land Development Regulations; a Manufactured Home is not.
4. **Dwelling, Single Family Attached.** A Single-Family Dwelling Unit located horizontally adjacent to another Single Family Dwelling Unit that share common wall(s) located on separate lots.

B. Non-Residential Uses.

1. **Agricultural Uses.** A category of Uses that involve farming, rural residential, and Agriculture related businesses. Agricultural uses are typically lot sizes of five (5) acres or greater and include three (3) acres of developed area and the remaining area preserved. A cluster development option is available for lots with agricultural uses.
2. **Assembly Uses.**
 - (1) **Assembly, General.** An Assembly Use that occupies one (1) or more structures on a Lot with a total square footage between 10,000 and 20,000 square feet.
 - (2) **Assembly, Large Scale.** An Assembly Use that occupies one (1) or more structures on a Lot with a total square footage greater than 20,000 square feet.
 - (3) **Assembly, Neighborhood.** An Assembly Use that occupies a structure less than 10,000 square feet in size.
3. **Office Uses.**

- (1) **Office, General.** An office Use that typically occupies more than 5,000 square feet and more than twenty (20) employees at a given location.
- (2) **Office, Neighborhood.** An office Use that typically occupies less than 5,000 square feet and involves twenty (20) or fewer employees at a given location.
- (3) **Office, Large.** An office Use that typically occupies 50,000 square feet or more in a singular building and/or combined development.

4. **Open Space Uses.**

- (1) **Open Space, General.** A Use of land, publicly or privately managed, for active or passive recreation for community residents. General Open Spaces are typically between two (2) and five (5) acres and part or all the facility may be illuminated for use after dark. Ball courts or fields, swimming pools, parking facilities, food and beverage service, and spectator facilities are commonly included.
- (2) **Open Space, Neighborhood.** A Use of land, publicly or privately managed, for active or passive recreation or gardening for residents living with walking distance. These facilities are typically less than two (2) acres in size.
- (3) **Open Space, Outdoor Recreation.** Use of land, publicly or privately managed for active recreation, entertainment, and amusement for residents within the region. Large scale outdoor recreation commonly involves facilities with five (5) or more acres, illuminated for use after dark, ball courts or fields, parking facilities, restrooms, spectator facilities, and food and beverage service. Large scale outdoor recreation Uses occur within the Park or Linear Park Open Space Type. Large scale outdoor recreation Uses includes such Uses as: General Open Space, Country Club, Golf Course, Membership Sports Clubs, Riding Academy and Stables, Shooting and Archery Range, Sports and Recreational Camps, Swim Club, and Tennis Courts.

5. **Retail Uses**

- (1) **Retail, General.** A singular retail Use involving the medium-scale sale of goods or merchandise to residents living in the community. A Use in this category occupies an area between 5,000 and 30,000 square feet. This shall include but not be limited to neighborhood retail uses; appliance and electronic sales, repair, and service; computer software repair, sales, and leasing; department store; home furnishings and accessory sales and

rentals; medical supply store and rental; musical instrument repair and sales; pawn shop; vehicle supply shop (no service); and automobile, truck, and trailer minor repair, sales, and rental.

- (2) **Retail, Large Scale.** A singular retail Use involving the Large- Scale sale of goods to residents living within the region. It is typically known as a shopping center and is almost exclusively accessed by automobile and therefore additional consideration shall be given to parking and traffic issues when developing this Use. The goods or merchandise sold may be of the same type or a variety of types as General Retail and occupy a space greater than 30,000 square feet.
- (3) **Retail, Neighborhood.** A singular retail Use involving the Small-Scale sale of goods or merchandise to residents in adjacent neighborhoods. A Use in this category occupies an area of less than 5,000 square feet (combined up to 10,000 square feet on a single lot or within a unified development). This shall include but not be limited to specialty retail; art and education supplies; convenience store with or without gas pumps; drug store and/or pharmacy; grocery store; hardware store; hobby shop; office supply; party supply shop; and cafe, coffee, or sandwich shop.
- (4) **Department Store.** A store of 15,000 or more square feet of gross floor area selling a wide variety of retail goods arranged in general departments.

6. School/Educational Uses

- (1) **School, Pre-Kindergarten to Junior High.** An education facility for pre-kindergarten through eighth (8) grade, including associated facilities such as ball fields, ball courts, gymnasium, and auditorium.
- (2) **School, Higher Education.** An education facility offering post-secondary school educational activities and programs and may also include technical, vocational, and or trade school, which may or may not be tied to a degree program; may also include associated facilities such as ball fields, ball courts, gymnasium, and auditorium.
- (3) **School, High School.** An education facility for grades nine (9) through twelve (12), including associated facilities such as ball fields, ball courts, gymnasium, and auditorium.
- (4) **School, Vocational.** An education facility offering instructional programs or courses that focus on the skills required for a particular job function or trade.

7. Service Uses

- (1) **Service, Alternative Financial.** Businesses including but not limited to cash advance, check cashing, title loan, flex loan and pawn shops.
- (2) **Service, General.** A service Use offering daily conveniences to residents living in the community. A Use in this category typically occupies an area between 5,000 and 30,000 square feet and includes such Uses as: Neighborhood Personal Services, Bowling Alley, Catering, Currency Exchange, Funeral Home, Repair of Small Goods & Electronics, Tattoo/Piercing Parlor, and Medical or Dental Office (without laboratory).
- (3) **Service, Neighborhood Personal.** A singular service Use that offers daily conveniences to residents in adjacent neighborhoods. A Use in this category occupies less than 5,000 square feet and includes such Uses as: Bank, Barber Shop, Beauty Salon, and Spa, Dry Cleaning and Laundry, Eating and Drinking Establishments, Fitness, Dance Studio, and Gym, Framing, Home Furniture and Equipment Repair, Laundromat, Locksmith, Mailing Services, Pet Grooming (no boarding), Photocopying and Printing, Photography Studio and Supplies (on-site processing permitted), Shoe Repair, Tailor or Seamstress, Tanning Salon, Live Theater, Training Center, Travel Agency and Tour Operator, Video Rental, and Property Management.
- (4) **Service, Regional.** A service Use offering conveniences to residents living within the community and the region. This shall include but not be limited to: General Services, Concert Hall/Live Theatre, Events Facility, and Movie Theatre.
- (5) **Service, Vehicular.** A regional business involving the servicing of vehicles and/or the storage and distribution of gasoline. A convenience store may also be included as a secondary Use, as well as the sales of propane and kerosene. Vehicular service includes such Uses as: Automotive Service Station, Automotive Repair, Car Wash, Automatic or Self Service, and Tire Sales and Mounting.

2.2.3. DEVELOPMENT STANDARDS FOR SPECIFIC USES.

The following development standards apply to Uses designated as Permitted with Development Standards “D” or requires a Conditional Use Permit “C” in *Table II.2.1. Use Table*. These standards are intended to alleviate any negative impacts associated with the Use, making it appropriate in a district where it might not otherwise have been appropriate.

- A. **Bed and Breakfast.** In the districts where a bed and breakfast requires a Conditional Use Permit (*Section I.4.8 Conditional Use Permit*) (“C”), the following apply:
1. No more than six (6) bedrooms for guests are permitted.
 2. No more than two (2) non-resident employees are permitted.
 3. A Light Side and Rear Buffer of ten (10) feet is required regardless of the adjacent Zoning District (refer to *Section III.3.11(E) Light Landscape Screen Requirements*).
 4. Parking shall be located on site; offsite parking is not permitted. Parking standards provided in *Section III.4 Parking, Loading, and Access Standards*.
- B. **Hospice.** In the districts where a Hospice is permitted with development standards (“D”), the following applies:
1. **Number of Patients.** A maximum of four (4) patients are permitted.
 2. **Physical Appearance.** No changes to the outside appearance of the structure are permitted that would be a departure from the residential character of the area.
- C. **Hotel/Motel.** In the districts where Hotel/Motel is permitted with development standards (“D”), the following applies: Hotels/Motels shall be constructed so that controlled access is provided through a lobby. External individual room access is not permitted. The buildings shall be at least three (3) stories tall. Building Architecture shall adhere to the requirements in *Section III.1 Architectural Standards*.
- D. **Neighborhood Assembly.** In the districts where Neighborhood Assembly is permitted with development standards (“D”), the following apply:
1. Requires a minimum Lot Width of fifty-five (55) feet.
 2. Shall be located on a Rural Minor Collector, Minor Collector, Scenic Corridor, or Major Collector Street Type.
 3. Heavy Side and Rear Yard Buffer is required when adjacent to any Residential Zoning District (refer to *Section III.3.11 Side and Rear Buffer and Table III.3.4. Side and Rear Yard Requirements by District*).
 4. All other Uses located on the site, including but not limited to, offices, classrooms, or daycare, shall be incidental and associated directly with the Principal Use.
- E. **General Assembly.** In the districts where General Assembly is permitted with development standards (“D”), the following apply:
1. Requires a minimum Lot Width of seventy (70) ft.
 2. Shall be located on a Rural Minor Collector, Minor Collector, Scenic Corridor, or Major Collector Street Type.

3. Heavy side and rear yard buffer is required when adjacent to any residential Zoning District (refer to *Section III.3.11 Side and Rear Buffer*).
 4. All other Uses located on the site, including but not limited to, offices, classrooms, or daycare, shall be incidental and associated directly with the Principal Use.
 5. In all districts, a School or Office Use on the site of more than 10,000 square feet requires a Conditional Use Permit (*Section I.4.8 Conditional Use Permit*).
- F. **Large-Scale Assembly.** In the districts where Large- Scale Assembly is permitted with development standards (“D”), the following apply:
1. Requires a minimum Lot Width of one hundred fifty (150) feet.
 2. Shall be located on a Rural Minor Collector, Minor Collector, or Major Collector Street Type.
 3. All other Uses located on the site, including but not limited to, offices, classrooms, or daycare, shall be incidental and associated directly with the Principal Use.
 4. In all districts, a School or Office Use on the site of more than 10,000 square feet requires a Conditional Use Permit (*Section I.4.8 Conditional Use Permit*).
- G. **Cemetery.** In the district where a Cemetery requires a Conditional Use Permit (*Section I.4.8 Conditional Use Permit*) (“C”), the following applies:
1. When a Conditional Use Permit is required, it is the Applicant’s burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, and light.
 2. Cemetery may only be in the Park Open Space Type.
- H. **Police and Fire.** In the district where Police and Fire requires a Conditional Use Permit (*Section I.4.8 Conditional Use Permit*) (“C”), the following applies:
1. When a Conditional Use Permit is required, it is the Applicant’s burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, and light.
- I. **School:** Pre-Kindergarten to Junior High or High School. In the districts where Schools are permitted with development standards (“D”), the following apply:
1. Requires a minimum Lot Width of one hundred fifty (150) feet.
 2. Shall be located on a Rural Minor Collector, Minor Collector, or Major Collector Street Type
 3. In all districts where permitted, an Assembly Use (refer to *Section II.2.2.2(B)(2) Assembly Uses* on the site of more than 15,000 square feet requires a Conditional

Use Permit (*Section 1.4.8 Conditional Use Permit*). This requirement is not triggered by an accessory auditorium.

J. **Warehouse Retail.** In the districts where Warehouse Retail is permitted with development standards (“D”), the following apply:

1. Shall be located on a Rural Minor Collector, Minor Collector, or Major Collector Street Type.

K. **Outdoor Sales Lot.** In the districts where an Outdoor Sales Lot is permitted, the following apply:

1. Buildings shall adhere to the following requirements:
 - (1) Any permanent structure is required to conform to the development standards in the underlying zoning district. Temporary buildings are not permitted.
2. An Outdoor Sales Lot shall be treated as a parking lot and landscape buffers shall be installed per “*Section III.3.10 Frontage Buffer*”.
3. Loose material shall be stored in compliance with the standards in *Section II.2.3.3(G) Outdoor Storage*.
4. An Outdoor Sales Lot and accessory Lot may not be located adjacent to another Outdoor Sales Use.
5. Automobile, truck, trailer, boat, or recreational vehicle sales or rental uses, or similar uses, shall not be located along a Scenic Corridor, nor along Canada Road, Chambers Chapel Road, Davies Plantation Road, Beverle Rivera Road, Brunswick Road, Stewart Road, U.S. Highway 70, or Paul Barret Parkway. Side or rear yards shall be sufficiently landscaped and/or fenced to completely obscure abutting single family residential yards from views into the site.

L. **Liquor Store.** In the districts where Liquor Store is permitted with development standards (“D”), the following applies:

1. No Liquor Store shall be located within five hundred (500) feet of any church, school, daycare, public park, public building, or any residential property, measured from the nearest point of the building housing the liquor store to the nearest point of the building housing any of the Uses listed herein.
2. The number of liquor stores in the city at any time shall be limited to one (1) per each five thousand (5000) residents as measured by the most recent official decennial census or certified special census, not to exceed three (3) liquor stores.

M. **Commercial Equipment and Supply.** In the districts where Commercial Equipment and Supply is permitted with development standards (“D”), the following applies:

1. All outdoor storage shall meet the requirements of *Section II.2.3.3(G) Outdoor Storage*.
 2. The Use shall not be located along any Scenic Corridor, nor along Canada Road, Chambers Chapel Road, Davies Plantation Road, Beverle Rivera Road, Brunswick Road, Stewart Road, U.S. Highway 70, U.S. Highway 64, or Paul Barret Parkway.
 3. Shall not be located within 1,320 feet of a single- family Lot, unless separated by a City Waterways, a Major Collector not listed above, or a railroad Easement.
 4. Alternative Financial Services Permitted with Development Standards in C2 Districts only. Ordinance 17-256, 11/09/2017.
 5. For the purposes of landscape buffers (*refer to Section III.3 Landscape Standards*), a Commercial Equipment and Supply shall be treated as an industrial Use.
- N. **Firearms Dealer.** In the districts where Firearms Dealer is permitted with development standards (“D”), the following applies:
1. The Use shall not exceed 10,000 square feet.
 2. All other applicable local, county, state, and federal requirements shall be met.
- O. **Vehicular Service.** In the district where Vehicle Service requires a Conditional Use Permit (*Section I.4.8 Conditional Use Permit*) (“C”), the following apply:
1. When a Conditional Use Permit is required, it is the Applicant’s burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, and light.
 2. **Use Limitation.** Repair and wash facilities for semi-trucks, recreational vehicles, boats, and other oversized vehicles are only permitted in the M1 District.
 3. **Structures:** Principal Structure. Principal Structures shall be constructed using one of the permitted Building Types in the District. The Pitched Cap Type and Parapet are the only permitted Cap Type for this Use.
 4. **Structures: Canopies.** Canopies shall be developed using the following:
 - (1) Canopies, including the roof, shall be no taller than twenty-eight (28) feet.
 - (2) Canopy roof structures shall match the roof structure of the Principal Structure on the Lot.
 - (3) Columns shall be located on the outer edges of the pump islands, outside of and partially screening the pumps.

- (4) Columns shall be a minimum of 18" in width in all directions and a maximum of fifteen (15) feet in height.
- (5) Column and canopy materials shall meet the requirements of the underlying zoning district.
- 5. **Service Bays.** Vehicular service bays, including garages and car wash bays, shall not be located on the Street Facing Facade.
- 6. **Outdoor Storage.** Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if:
 - (1) The vehicles are not stored for more than two days.
 - (2) The storage area is in the Rear Yard screened from view of the Front Property Line.
 - (3) The storage area is screened using the Heavy Side or Rear Yard Buffer outlined in *Section III.3.11(C) Heavy Landscape Screen Requirements* regardless of the adjacent land Uses.
 - (4) Car sales are not permitted.
- 7. **Outdoor Activities.**
 - (1) All repairs or washing activities shall occur inside a building.
 - (2) Vacuuming activities may occur in open air, but shall be in the Side or Rear Yards, screened from the Front Property Line.
 - (3) Outdoor sales are prohibited except for temporary outdoor display of seasonal items, such as windshield wiper fluid or salt, permitted during business hours under the canopy and adjacent to the Principal Structure.
- 8. Vehicular Service shall be located within 500 feet of the intersection of two (2) arterials or the intersection of an arterial and collector.
- 9. Vehicular Service shall not be allowed on along Canada Road or Highway 70, unless explicitly approved as part of a Planned Development or as an existing (constructed) vehicular service use.
- 10. Vehicular Service shall not be located adjacent to a residential, open space, or conservation lot, unless approved as part of a planned development. If approved as a part of a planned development a solid fence or wall of at least six (6) feet in height shall be erected along all property lines separating the site from any lot allowed to have a residential use, open space, or conservation area and along all alley property lines where the property opposite allows for residential uses.
- 11. The primary building shall have a useable/active pedestrian entrance on the arterial façade.

12. Motor vehicle service and fuel center canopies and their associated columns and supports shall be removed at such time that the fuel center pumps and tanks are removed. New uses of the property, other than those for motor vehicle service and fuel centers, shall not be allowed to utilize the canopies previously constructed. New uses of the property, other than those for motor vehicle service and fuel centers, shall remove the canopies and their associated support columns and supports previously constructed prior to being allowed to occupy the site with the new use.

P. **Alternative Financial Services (AFS).** In the districts where AFS are permitted with Development Standard ("D"), the following applies:

1. AFS establishments shall be located on US HWY 64.
2. No AFS establishment shall be located less than one mile from the property line of another property upon which another AFS establishment is located.
3. No AFS establishment shall exceed two thousand five hundred (2,500) square feet of gross floor area per establishment.

Q. **General Office.** In the districts where General Office is permitted with Development Standard ("D"), warehouse space is permitted with the following standards:

1. The General Office Use shall be located within a Campus Neighborhood Type.
2. The warehouse space, as an Accessory Use, shall not occupy more than fifty (50) percent of the Gross Building Area.
3. The warehouse space shall be in the rear of the building.

R. **Research and Development.** In the districts where Research and Development is permitted with Development Standard ("D"), the following applies:

1. NO District. In the NO district, manufacturing component is not permitted. O District. In the O district, less than twenty (20) percent of the structure's Gross Floor Area may be utilized for manufacturing.

S. **Craftsman Uses.** In the districts where Craftsman requires a Conditional Use Permit (*Section 1.4.8 Conditional Use Permit*) ("C") or is permitted with development standards ("D"), the following apply:

1. **Conditional Use Permit.** When a Conditional Use Permit is required, it is the Applicant's burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, and light.
2. **NC1 District.** 10,000 square feet is the maximum overall Gross Floor Area with no more than 3,750 square feet of this total being dedicated to manufacturing.

3. **C1 and C2 Districts.** 20,000 square feet is the maximum overall Gross Floor Area with no more than 7,500 square feet of this total being dedicated to manufacturing.
- T. **Parking Lot.** In the districts where a Parking Lot requires a Conditional Use Permit (*Section I.4.8 Conditional Use Permit*) ("C"), the following applies:
 1. **Conditional Use Permit.** When a Conditional Use Permit is required, it is the Applicant's burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, and light.
 2. **Adjacent Parking Lots.** Two (2) parking Lots cannot be located directly adjacent to one another.
 3. **Associated Use.** Parking Lot shall not be associated with an individual Single-Family residence.
 4. **Distance.** Parking Lot shall be within one (1) Block's distance of the associated use unless an approved parking agreement is in place (refer to *Section III.4.3 Alternative Off-Street Parking Standards*) or at least seventy-five (75) of spaces are dedicated as a Public Parking Facility.
 5. **Pedestrian Access.** Shall be connected to associated Use by a Dedicated, public pedestrian pathway.
 6. **Residential Parking Lots.** For visitor parking Lots serving Single Family neighborhoods, the following design requirements apply in addition to the above requirements.
 - (1) The Lot shall be limited to one double loaded aisle of parking, perpendicular to the street, the depth of the Parcel to match abutting parcels, not including any required buffers.
 - (2) The Lot surface shall be constructed completely of concrete, brick, or grass pavers.
 - (3) Front Yard, and Side and Rear Yard Buffers are required (refer to *Section III.3.11 Side and Rear Buffer*).
- U. **Sexually Oriented Business.** Refer to Sexually Oriented Businesses Title 9, Chapter 5 of the Municipal Code for standards for Sexually Oriented Businesses.
- V. **Wireless Transmission Facility.** In the districts where a Wireless Transmission Facility is permitted with development standards ("D"), Site Plan review (*Section I.4.6 Site Plans*) is required, including review by the DRC. Refer to *Section II.4.1 Wireless Transmission Facilities*.

W. **Shooting and Archery Range.** In the districts where a Shooting and Archery Range require a Conditional Use Permit (*Section I.4.8 Conditional Use Permit*) (“C”), the following apply:

1. When a Conditional Use Permit is required, it is the Applicant’s burden to prove that granting the permit will not negatively impact the neighborhood or that the site is designed in such a way as mitigate any such impacts, including traffic, noise, and light.
2. Outdoor shooting and archery ranges shall be set back a minimum of one hundred (100) feet from Side and Rear Property Lines.
3. A Heavy Side and Rear Yard Buffer is required, regardless of the adjacent land Uses. Refer to *Section III.3.11 Side and Rear Buffer*.

X. **Agriculture.** In the district where Agriculture is permitted with development standards (“D”), the following apply.

1. **Timber Harvesting.**

- (1) Pursuant to T.C.A §6-54-126 or any similar legislation, ordinance, regulation, or rule, any property utilized for timber harvesting shall have a fifteen (15) year suspension on applications for development approvals, including Platting and rezoning, and on land disturbance permits for Uses other than those permitted in the Agriculture category with the following exception.
- (2) If the harvesting activity is implementing a third-party certified management plan, such as the American Tree Farm System, Forest Stewardship Council, or Sustainable Forestry Initiative, the suspension is reduced to ten (10) years.
- (3) Suspension period shall begin at the time the timber harvest is undertaken.
- (4) A timber harvest plan shall be filed with the City.
- (5) Timber harvesting shall be performed consistent with the Tennessee Department of Agriculture, Division of Forestry Best Management Practices. Specific timber harvesting practices shall be defined in a Timber Harvest Plan submitted to the City for each Timber Harvest.

2.3. ACCESSORY USES AND STRUCTURES

2.3.1. GENERAL

A. General Standards.

1. Refer to the *Section 1.1 Zoning Districts* for information on locating Accessory Buildings, such as garages and sheds.
2. Accessory uses shall be consistent with all standards in the district for the principal use.
3. An accessory use or structure shall only be allowed when a principal use exists.
4. Uses and structures shall:
 - (1) Be accessory and clearly incidental and subordinate to permitted uses and structures;
 - (2) Be located on the same lot as the permitted uses or structures and structures shall be placed to the rear or side of the principal structure;
 - (3) Not involve operations or structures inconsistent with the character of the principal use or principal structure served; and
 - (4) Not likely to attract visitors in larger numbers than would normally be expected.
5. No accessory building or structure shall be erected in any required setback area or easement.
 - (1) Corner Lots. Accessory Structures are permitted in the Build-to Zone but shall not extend closer to the Corner Side Property Line than the Principal Structure.
 - (2) Through Lots. The minimum Setback along the vehicular Right-of-Way, for Accessory Structures located in the Rear Yard of a Through Lot is ten (10) feet.
6. Accessory Structures shall be in the Side and Rear Yards.
7. Accessory structures shall comply with maximum building coverage requirements.
8. Accessory structures shall have a similar appearance to the principal structure.
9. Accessory structures are limited to a maximum thirty-five (35) feet in height or the height of the principal structure, whichever is lesser. Refer to *Section II.1.2.2(A)(2) Measurement of Story*.
10. An accessory building sharing one or more common walls with the principal building shall be considered part of the principal building for purposes of this ordinance and must meet all yard requirements applied to the principal building.

11. No detached accessory building shall be located closer than 5 feet to any other building or mobile home.
12. Mailboxes and any structure less than one (1) foot above grade are exempt from accessory use standards.
13. Accessory Uses and Structures including accessory dwelling units within the Rural Residential zoning may vary from the standards set forth in this section relating to height, placement, and size. Any variations may be granted after review from the Director or designee as outlined in *Section 1.4 Process, Criteria, and Application*.

B. Specific Standards. The following standards apply for accessory uses and structures permitted in all zoning districts.

1. Antennae and Satellite Dish. The following standards apply:

- (1) Stand-alone Antennas and Satellite Dishes shall be in the Side and Rear Yards.
 - i. If these permitted locations will not allow the Antennae or Satellite Dish to fully function, it may be in the Front or Corner Side Yards.
 - ii. Property Owners shall provide evidence that the antennae or satellite dish cannot fully function in either the Side or Rear Yards to the Code Administrator prior to installation in the front or Corner Side Yards.
- (2) Antennas and Satellite Dishes may be attached to the roof and side and rear Facades of buildings if the dish is not larger than thirty (36) inches in diameter.
 - i. If these permitted locations will not allow the Antennae or Satellite Dish to fully function, it may be located on the front or corner side Facade.
 - ii. Property Owners shall provide evidence that the antennae or satellite dish cannot fully function on either the side or rear Facade to the Code Administrator prior to installation on the front or corner side Facades.

2. Home Occupation. The following apply:

- (1) **Uses.** Home Occupation includes such uses as accountant, artist, author, computer operator or programmer, childcare, designer (computer, graphic, architect, interior, etc.), home crafts, seamstress or tailor, salesperson or representative (no on-site retail or wholesale transactions), tutoring, and instruction of craft and fine art.
- (2) **Hours of Operation.** Permitted hours of operation are eight (8) AM to eight (8) PM.

- (3) **Limited Attendees.** Up to four (4) pupils or children may be instructed or cared for at a time.
 - (4) **Space Limitation.**
 - i. No more than twenty (20) percent of the total square footage of the structures on a Lot, including Accessory Structures, may be dedicated to the Home Occupation.
 - ii. All activities associated with the Home Occupation shall occur inside the structure.
 - (5) **Deliveries & Shipments.** Deliveries and shipments are permitted only through the United Postal Service and such carriers as UPS, Fed Ex, and DHL. No delivery by semi-truck is permitted.
 - (6) **Physical Appearance.** No changes to the outside appearance of the structure or Lot and no variation from the residential character of the building are permitted.
 - (7) **Parking.** Vehicles associated with the Home Occupation shall be accommodated on site within the driveway or garage of the existing structure.
 - (8) **Business License.** A business license is required for Home Occupations.
 - (9) **Certificate of Compliance.** A certificate of compliance is required for Home Occupations.
3. **Solar Panels.** The following apply:
- (1) **General Requirements.** The following apply to Roof, Building, or Ground Mounted Panels.
 - i. Solar panels shall be located so that the glare from the solar panels is not directed at any other person's building, or at any public street, public Right-of-Way, or sidewalk.
 - ii. Solar panels, their necessary support structure, and conduit, shall be installed in the location that is the least visible from abutting streets directly facing the subject property so long as installation in that location does not significantly decrease the energy performance of the solar energy system as compared to a more visible location. Significantly decrease energy performance is defined as decreasing the expected annual energy production by more than 10 percent.
 - iii. The primary purpose of the solar panel shall be to generate power for use on the property on which the panel is located and not for transmission off-site.

- (2) **Roof or Building Mounted.** Panels attached to a structure shall adhere to the following.
 - i. Panels mounted at the same angle of the roof or flush on the building Facade are permitted on any roof or building face.
 - ii. Panels projecting off the roof at a different angle shall be limited to rear or side facing roofs, unless solar access is limited in any of these locations.
 - iii. Panels shall not extend above the peak of the roof it is mounted on.
 - iv. The total area of roof-mounted panels shall not exceed two hundred and fifty (250) square feet or twenty-five (25) percent of the roof plane on which the panels are mounted, whichever is less.
- (3) **Ground Mounted.** Ground mounted panels are permitted in any yard in the A: Agriculture district. Light or Heavy Buffer, seven (7) feet minimum width, is required to screen the panels from any street view; refer to *Section III.3.12 Parking Lot Landscaping*.
- 4. **Temporary Building.** The following apply for developments under construction:
 - (1) For Single Family developments, Temporary Buildings are permitted for no longer than twelve (12) months and with a valid building permit. Temporary Buildings shall be removed prior to closure of the building permit.
 - (2) For all non-single-family developments, Temporary Buildings are permitted with a valid building permit. Temporary Buildings shall be removed prior to closure of the building permit.
 - (3) Two (2) Temporary Buildings are permitted per development project and shall only contain administrative offices and/or sales center or be utilized for the storage of construction material and equipment relating to development.
 - (4) An administrative office and/or sales center are permitted within a Temporary Building only until a Model Home or unit is completed, at which time the office and/or sales center shall be located within the Model Home.

2.3.2. ACCESSORY USES AND STRUCTURES TABLE

Table II.2.2. Accessory Use and Structures Table detail the permitted Accessory Uses and Structures in each district. Each use is given one of the following designations.

- A. **Permitted (“P”).** These Accessory Uses and Structures are permitted by-right in the districts in which they listed.
- B. **Permitted with development standards (“D”).** These Accessory Uses and Structures are permitted by- right in the districts in which they are listed, if they are

developed utilizing the standards detailed in *Section II.2.3.3 Accessory Use Development Standards* or *Section II.2.3.4 Accessory Structure Development Standards*.

- C. **Requires a Conditional Use Permit (“C”).** These Accessory Uses and Structures require the approval of a Conditional Use Permit (refer to *Section I.4.8 Conditional Use Permit*) to occur in the districts in which they are listed. These Uses and Structures shall also follow any development standards outlined in *Section II.2.3.3 Accessory Use Development Standards* or *Section II.2.3.4 Accessory Structure Development Standards*.
- D. **Not Permitted.** Boxes that do not contain a letter designation are not permitted in the corresponding zoning district.

Table II.2.2. Accessory Uses and Structures

		Residential Districts								Non-Residential Districts											Mixed-Use Districts				
		Rural Residential (RR)	Exurban (RE)	Suburban Estate (R1)	Suburban Manor (R2)	Suburban Cottage (R3)	Urban Estate (R4)	Attached (RM1)	Multifamily (RM2)	Agriculture (A)	Community Commercial (C1)	Regional Commercial (C2)	Neighborhood Office (NO)	Office (O)	Institutional (P)	General Government (GG)	Outdoor Recreation (OR)	Conservation (CON)	Light Manufacturing (M1)	Manufacturing (M2)	Infrastructure (M3)	Neighborhood Commercial (NC)	Town Center (TC)	Community Corridor Mixed-Use (CC-MX)	Regional Corridor Mixed-Use (RC-MX)
Key: P = Permitted; C = Conditional Use; D = Development Standards		Section																							
Accessory Uses																									
Administrative/Management Office				P	P	P	P	P	P																
Accessory Family Unit	II.2.3.3(A)		D	D	D	D				D					D										
Animal boarding	II.2.3.3(B)	D	D							D	D	D	D									D			
Car Wash	II.2.3.3(C)										D	D							P	P				C	P
Model Home	II.2.3.3(D)		P	P	P	P	P	C	C													C	C	C	C
Motor Vehicle Storage Yards	II.2.3.3(E)																		D	P					
Outdoor Display											P	P										P	P	P	P
Outdoor Entertainment/Seating	II.2.3.3(F)										D	D										D	D	D	D
Outdoor Storage	II.2.3.3(G)									D	D	D							D	P	D			D	D
Private Gathering Facility	II.2.3.3(H)		C	C							D	D	D	D	P	C	C					D	D	D	D
Recreation Facilities for Residents of the Development				P	P	P	P	P	P																
Storage Facilities for Residents of the Development								P	P																
Accessory Structures																									
Accessory building			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P			
Antennae and satellite dish	II.2.3.4(A)	D	D	D	D	D	D	D	D	D	D	D	D	D	P	D	D		D	D	D	D			

Key: P = Permitted; C = Conditional Use;
D = Development Standards

Section

Residential Districts								Non-Residential Districts												Mixed-Use Districts			
Rural Residential (RR)	Exurban (RE)	Suburban Estate (R1)	Suburban Manor (R2)	Suburban Cottage (R3)	Urban Estate (R4)	Attached (RM1)	Multifamily (RM2)	Agriculture (A)	Community Commercial (C1)	Regional Commercial (C2)	Neighborhood Office (NO)	Office (O)	Institutional (P)	General Government (GG)	Outdoor Recreation (OR)	Conservation (CON)	Light Manufacturing (M1)	Manufacturing (M2)	Infrastructure (M3)	Neighborhood Commercial (NC)	Town Center (TC)	Community Corridor Mixed-Use (CC-MX)	Regional Corridor Mixed-Use (RC-MX)
Accessory Structures Cont.																							
P	P								D	D	D	D	D	D						D			
	D	D	D	D	D			D	D	D					D								
									D	D													
								D	D	D	D	D	D	D	D		D	D	D	D			
	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D		D	D	D	D			
	D	D	D	D	D	D	D		D	D	D		D										
	P	P	P	P	P	P	P	P	D	D		P		P	P					D			
	D	D	D	D	D	D	D																
								D						D	D	D	D	D	D				
	C	C	C	C	C	P	P																
	P	P	P	P	P	P	P	P					P		P								
D								D															
									D	D				D	D					D	D	D	
									D	D	D		D							D			
	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D		D	D	D	D			

Key: P = Permitted; C = Conditional Use;
D = Development Standards

Section

		Residential Districts								Non-Residential Districts											Mixed-Use Districts					
		Rural Residential (RR)	Exurban (RE)	Suburban Estate (R1)	Suburban Manor (R2)	Suburban Cottage (R3)	Urban Estate (R4)	Attached (RM1)	Multifamily (RM2)	Agriculture (A)	Community Commercial (C1)	Regional Commercial (C2)	Neighborhood Office (NO)	Office (O)	Institutional (P)	General Government (GG)	Outdoor Recreation (OR)	Conservation (CON)	Light Manufacturing (M1)	Manufacturing (M2)	Infrastructure (M3)	Neighborhood Commercial (NC)	Town Center (TC)	Community Corridor Mixed-Use (CC-MX)	Regional Corridor Mixed-Use (RC-MX)	
Key: P = Permitted; C = Conditional Use; D = Development Standards		Section																								
Accessory Structures Cont.																										
Stadium										D	D	D			D	D	P					D				
Temporary building	II.2.3.4(J)		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D		D	D	D	D				
Temporary storage container	II.2.3.4(K)		D	D	D	D	D	D	D	D	D	D	D	D		D	D		D	D	D	D				
Townhouse			C	C	C	C	C	C	P																	
Two family			C	C	C	C	D	D	P																	
Wind turbine	II.2.3.4(L)			D						D		D		D												

2.3.3. ACCESSORY USE DEVELOPMENT STANDARDS

The following development standards apply to Accessory Uses designated as permitted with development standards “D” or requires a Conditional Use Permit “C” in *Table II.2.2: Accessory Uses and Structures*.

- A. **Accessory Family Unit.** Where an Accessory Family Unit is permitted with development standards (“D”), the following apply:
1. **Quantity.** One (1) per Lot is permitted.
 2. **Space Limitation.** The unit shall be no greater than thirty (30) percent of the Principal Structure’s square footage.
 3. **Entrance.** If a separate entrance exists, it shall not be located on the front Facade.
 4. **Location on the Lot.** An Accessory Family Unit may be located within the Principal Structure or within an Accessory Building.
 5. **Parking.** Vehicles shall be accommodated on-site per the location requirements in *Section II.1.3 Traditional District Development Standards* and quantity in *Section III.4.2 Parking Requirements*.
- B. **Animal Boarding.** Where Animal Boarding is permitted with development standards (“D”), the following apply:
1. **Limitation on Outdoor Facilities.** Outdoor kennels are not permitted in RE, NC, C1, C2, and NO Districts.
 2. **Pet Shops.** Pet Shops are not permitted to have outdoor kennels.
 3. **Horses.** Horses are only permitted in RR, ER, and A Districts and two (2) horses are permitted for every five (5) or more acres on the Lot.
- C. **Car Wash.** Where a Car Wash is permitted with development standards (“D”), the following apply:
1. All washing, waxing, machine powered drying shall be in an enclosed building. Hand washing and drying may be conducted outside of an enclosed building.
 2. No vehicle bays or openings shall face a residential use.
- D. **Model Home.** In the districts where a Model Home is permitted with development standards (“D”) or requires a Conditional Use Permit (refer to *Section I.4.8 Conditional Use Permit*) (“C”), the following apply:
1. A maximum of three (3) Model Homes are permitted per development phase.
 2. Pedestrian and vehicular traffic associated with the Model Home shall be solely controlled by the developer.

3. The structure used as a Model Home shall be constructed per the provisions of these Land Development Regulations and all other applicable regulations.
4. Documented nuisance complaints, such as noise, light, or traffic, could result in a revocation of the Certificate of Compliance.
5. Model Home may only be utilized to market homes in the development in which it is located.
6. Maximum hours of operation shall be nine (9) AM to one (1) hour after sunset Monday to Saturday and noon (12) to one (1) hour after sunset on Sunday.
7. Certificate of Compliance is required prior to utilizing a structure as a Model Home.

E. Motor Vehicle Storage Yards. Where a Motor Vehicle Storage Yard is permitted with development standards ("D"), the following apply:

1. **Motor Vehicle Storage Yard:** Areas used to store vehicles overnight or for longer periods of time; not to include or provide for auto salvage, repair or similar uses.
 - (1) Storage Areas shall be screened from public view when viewed from the public right-of-way by a minimum Type 3 buffer. All other areas shall meet at a minimum a Type 2 buffer.
 - (2) The Director may require additional buffering standards including increased fence or wall heights, additional opacity requirements, etc.
 - (3) No loudspeaker or public address systems are permitted.

F. Outdoor Entertainment/Seating. In the districts where Outdoor Entertainment/Seating is permitted with development standards ("D") the following shall apply:

1. **Outdoor Entertainment.** Outdoor entertainment may be permitted as an accessory use for restaurants and also establishments where the principal use is the manufacturing of malt liquor or alcoholic liquors intended for sale and consumption on the premises. Outdoor entertainment may also be permitted as an accessory use of outdoor principal uses including Farmers' Markets and Parks. Outdoor entertainment is limited to 10:00 PM. The use of parking areas, driveways, loading/unloading facilities, public sidewalks, or similar shall not be permitted.
2. **Outdoor Seating.** Outdoor seating may be permitted as an accessory use for any eating and drinking establishment, subject to the following standards:
 - (1) Outdoor speakers are not permitted.
 - (2) Hours of operation for the outdoor seating area shall be the same as the restaurant.

- (3) Food preparation shall take place within the enclosed building and not in the open air.
- (4) Outdoor seating shall be limited to active use areas designated on a site plan or through a request form as designated by the City.
- (5) A minimum of four (4) feet of sidewalk shall remain available and obstacle-free for passing pedestrians. Outdoor Seating shall not extend past the sidewalk edge closest to the street.
- (6) The visual design of tables, chairs, umbrellas, canopies, or similar furnishings for outdoor seating areas shall be of high-quality design, craftsmanship, be retained in good condition, and shall be compatible with adjacent uses.

G. Outdoor Storage. In the districts where Outdoor Storage is permitted with development standards ("D"), the following apply:

1. Outdoor Storage shall be in a Side or Rear Yard only and connected to or directly adjacent to building.
2. Outdoor Storage shall not be in the parking Lot.
3. Outdoor Storage shall be limited to less than ten (10) percent of the Side Yard area.
4. Loose materials shall not be stacked higher than six (6) feet.
5. Loose materials shall at a minimum be stored in a three (3) sided shelter and shall be covered.
6. All Outdoor Storage areas shall be screened from view of adjacent Parcels and vehicular Rights-of- Way using the Heavy Side or Rear Buffer, refer to *Section III.3.11(C) Heavy Landscape Screen Requirements*.
7. Refer to the National Pollutant Discharge Elimination System (NPDES) for additional limitations on outdoor storage of materials.
8. A Site Plan Review (refer to *Section I.4.6.2 Site Plan Review*) is required.

H. Private Gathering Facility. In the districts where a Private Gathering Facility is permitted with development standards ("D") or requires a Conditional Use Permit (refer to *Section I.4.8 Conditional Use Permit*) ("C"), the following apply:

1. Events are permitted to occur between eight (8) AM and ten (10) PM Sunday to Thursday and until eleven (11) PM on Friday and Saturday.
2. On-site parking is not required if the Lot is located within six hundred sixty (660) feet, measured along public pedestrian pathways, of a Public Parking Facility.
3. In Residential Districts, the events are limited to no more than thirty (30) attendees, unless otherwise approved through a Conditional Use Permit process (*Section*

I.4.8 Conditional Use Permit) and shall be tied to a Bed and Breakfast Use. Private Gathering Facilities shall not permit Sexually Oriented Businesses or events.

4. If a Conditional Use Permit is required, it is the Applicant's burden to prove that granting the permit will not negatively impact the Neighborhood or that the site is designed in such a way as to mitigate any such impacts, including traffic, noise, light, and area character.

2.3.4. ACCESSORY STRUCTURE DEVELOPMENT STANDARDS

All Accessory Structures shall be developed utilizing the criteria in *Section II.2.3.1(A) General Standards* unless otherwise specified. Accessory Structures designated as Permitted with development standards "D" or requires a Conditional Use Permit "C" in *Table II.2.2. Accessory Uses and Structures* shall also adhere to the development standards detailed in *Section II.2.3.4 Accessory Structure Development Standards*.

A. Antennae and Satellite Dish. In the districts where an Antennae and Satellite is permitted with development standards ("D"), the following apply:

1. Standalone Antennae and Satellite Dishes shall be in the Side and Rear Yards.
 - (1) If these permitted locations will not permit the Antennae or Satellite Dish to fully function, it may be in the Front or Corner Side Yards.
 - (2) Property owners shall provide evidence that the antennae or satellite dish cannot fully function in either the Side or Rear Yards to the Code Administrator prior to installation in the Front or Corner Side Yard.
2. Antennas and Satellite Dishes may be attached to the roof and side or rear Facades of buildings if the dish is not larger than thirty-six (36) inches in diameter.
 - (1) If these permitted locations will not permit the Antennae or Satellite Dish to fully function, it may be in the Front or Corner Side Facade.
 - (2) Property owners shall provide evidence that the antennae or satellite dish cannot fully function in either the Side or Rear Facades to the Code Administrator prior to installation in the Front or Corner Side Facade.

B. Barn and Stable. In the districts where a Barn or Stable is permitted with development standards ("D"), the following apply:

1. Minimum Lot size is three (3) acres.
2. The maximum height of Barns and Stables is twenty-five (25) feet in the R Districts and thirty-five (35) feet in the OS Districts.
3. The Setback for Barns and Stables is thirty (30) feet from the Side and Rear Property Lines.

- C. **Dog Run.** In the districts where a Dog Run is permitted with development standards (“D”), the Dog Run shall be screened from view of the street through fencing or landscape buffers.
- D. **Drive Through.** In the districts where a Drive Through is permitted with development standards (“D”), the following apply:
1. The Drive Through shall be in the Rear or Side Yard. Refer to *Section I.2 Definitions*.
 2. Vehicle stacking is required per *Section III.4.7 Vehicular Stacking Requirements*.
 3. When occurring adjacent to a Residential District, the Heavy Side and Rear Buffer with a solid fence is required (refer to *Section III.3.11 Side and Rear Buffer Yards*).
 4. A Site Plan Review (refer to *Section I.4.6.2 Site Plan Review*) is required.
- E. **Flagpole.** In the districts where a Flagpole is permitted with development standards (“D”), the following applies:
1. No more than three (3) flagpoles are permitted per Lot.
 2. Maximum height of all flagpoles is forty (40) feet.
 3. Flagpoles are permitted in all Yards.
- F. **Maintenance Shed.** In the districts where a Maintenance Shed is permitted with development standards (“D”), the following applies:
1. Maintenance sheds are permitted in the Side or Rear Yard only.
 2. A setback of ten (10) feet from all property lines is required.
 3. All open space type standards shall be met (refer to *Section III.2 Open Space Type Standards*)
- G. **Roadside Stand.** In the districts where a Roadside Stand is permitted with development standards (“D”), the following applies:
1. Roadside stands are permitted to occur in the Front and Corner Side Yards.
 2. If located in the Front or Corner Side Yards, a Roadside Stand shall be set back a minimum of five (5) feet from the Property Lines.
 3. Roadside stands are limited to the seasonal sale of Agriculture products or by products. Products shall be produced or grown on site or sites within a one (1) mile vicinity of the stand.
- H. **Sidewalk Café.** In the districts where a Sidewalk Café is permitted with development standards (“D”), the following applies:
1. When located within the Right-of-Way, a minimum of four (4) feet of sidewalk shall remain available and obstacle free for passing pedestrians. The Sidewalk Café shall not extend past the sidewalk edge closest to the street.

- I. **Solar Panels.** In the districts where a Temporary Storage Container is permitted with development standards (“D”), Solar Panels will be installed consistent with the requirements of *Section II.4.2.1 Solar Power Facilities and Solar Power Systems*.
- J. **Temporary Building.** In the districts where a Temporary Building is permitted with development standards (“D”), the following applies:
 - 1. For single-family developments, Temporary Buildings are permitted for no longer than twelve (12) months and with a valid building permit. Temporary Buildings shall be removed prior to closure of the building permit.
 - 2. For all non-single-family developments, Temporary Buildings are permitted with a valid building permit. Temporary Buildings shall be removed prior to closure of the building permit.
 - 3. Two (2) Temporary Buildings are permitted per development project and shall only contain administrative offices and/or sales center or be utilized for the storage of construction material and equipment relating to development.
 - 4. An administrative office and/or sales center are permitted within a Temporary Building only until a Model Home or unit is completed, at which time the office and/or sales center shall be located within the Model Home.
- K. **Temporary Storage Container.** In the districts where a Temporary Storage Container is permitted with development standards (“D”), the following applies:
 - 1. The container’s size is limited to no greater than eight hundred twenty-five (825) cubic feet or covering an area no greater than one hundred eighty (180) square feet of area.
 - 2. Only one (1) storage container is permitted per Lot at a time.
 - 3. Unless being used in conjunction with a valid building permit, the container may be located on a Lot for no more than seven (7) consecutive days, no more than twice (2) in a calendar year.
- L. **Wind Turbine.** In the districts where a Wind Turbine is permitted with development standards (“D”), the following apply.
 - 1. **General Requirements.**
 - (1) All wind turbines are limited to a rated capacity of not more than 100 kW and shall be intended to primarily reduce on-site consumption of utility power.
 - (2) Noise. Energy systems shall not exceed sixty (60) dB, as measured at the closest neighboring inhabited dwelling. This level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms to a maximum of ten (10) dB above ambient noise levels.

- (3) No more than one (1) wind turbine is permitted per Lot.
 - (4) No illumination of the wind turbine is permitted.
 - (5) Towers and blades shall be painted white, gray, or another non-reflective, unobtrusive color.
 - (6) All ground equipment, if any, shall be screened from adjacent properties Lots and public Rights-of-Way.
2. **Roof Mounted.** Roof mounted systems shall adhere to the following.
- (1) System may be attached along the roofline at the rear or side Facade.
 - (2) System shall not extend more than twenty (20) feet above the roof or building on to which they are attached.
3. **Freestanding.** Freestanding systems shall adhere to the following.
- (1) **Location.** Freestanding systems are permitted in all Yards, except the Front Yard.
 - (2) **Height.** Maximum height of all parts shall be sixty (60) feet above grade, or one hundred (100) feet above grade if located on more than five (5) acres.
 - (3) **Setback.** All parts of a freestanding system (tower, blade, etc.) shall be setback from the Property Line a minimum distance equal to the height of the tower.

11.3



3. OVERLAY REQUIREMENTS.

3.1. PLANNED DEVELOPMENT OVERLAY

3.1.1. GENERAL REQUIREMENTS

- A. **Purpose and Intent.** A Planned Development may be granted to facilitate the use of flexible techniques of land development and site design by providing relief from conventional zoning requirements designed for traditional developments. In addition to the standards and procedures set forth below, Planned Developments are subject to the criteria identified in *Section 1.4.12 Planned Developments*.
- B. **Standards and Procedures.** The Board may establish standards and procedures to ensure that the proposed uses are compatible to the area surrounding the development prior to approval.
- C. **Achievement of Objectives.** The proposed planned development must achieve one or

3. Overlay Requirements.....	221
3.1. Planned Development Overlay	221
3.2. Floodplain Overlay District.	229

more of the following objectives to ensure that the project is exceptional in nature and is consistent with the overall development intent of the LDR. The applicant is responsible for documenting compliance with each of these objectives:

1. **Design Flexibility.** The proposed development promotes flexibility in design and permit planned diversification in the location of structures.
2. **Protection of Natural Features.** The proposed development protects existing topography and natural features as described in Article II of the LDR.
3. **Efficient Use of Land.** The proposed development promotes the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
4. **Provision of Common Facilities.** The proposed development provides 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. **Architecture.** The proposed development will continue and coordinate architectural styles, building forms and building relationships within the planned developments consistent with building types standards found in *Section III.1 Architectural Standards* of the LDR.
6. **Quality of Construction.** A quality of construction commensurate with other developments within the city is ensured.
7. **Safe And Desirable Living Environment.** The proposed development will create a safe and desirable living environment characterized by a unified building and site development program.
8. **Economic Development.** The proposed development will provide a rational economic development program or phasing of development plan in relation to public services.
9. **Traffic Circulation.** An efficient and effective traffic circulation within and adjacent to the development site will be provided or traffic calming techniques will be utilized as defined in *Appendix A Traffic Impact Study* of the LDR.
10. **Variety And Housing Choice.** The proposed development will create a variety of dwelling units that are compatible with surrounding neighborhoods to provide a greater choice of housing and living environment.
11. **Well-Designed Centers.** The proposed development will provide attractive and appropriate locations for business and manufacturing uses in well-designed centers.

3.1.2. DEVELOPMENT STANDARDS

- A. **Zoning Districts.** Except as expressly modified by the Board of Commissioners by approval of a Preliminary Development Plan (PDP), a Planned Development shall be governed by the regulations of the zoning district or districts specified in the planned development. Planned Developments shall be permitted in all districts except for Open Space and Recreation Districts, the Agriculture District, FW Floodway, and any of the Mixed-Use Districts as identified in *Section II.1 Zoning Districts*.
- B. **Minimum Size.** There shall be a minimum area of three (3) acres to apply for a Planned Development.
- C. **Modifications Allowed.** A PDP approval for the Planned Development may provide for certain modifications this section as a means to achieve flexibility in design of a planned development. Possible modifications include, but are not limited to, the minimum residential mix requirements per Neighborhood Type, required and/or permitted land uses, required minimum and maximum amount of commercial per neighborhood type. Certain detail requirements should not be modified, including screening and buffer requirements, transitional provisions, landscaping, and street types. Such exceptions shall be consistent with the standards and criteria contained in Se; no modification of the district requirements or engineering standards may be allowed when the modification would result in:
1. Inadequate or unsafe access to the development;
 2. Traffic volume exceeding the anticipated capacity of the existing or proposed street network in the vicinity of the development;
 3. 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 Development; and,
 4. A development which will be incompatible with the purposes of this Ordinance.
- D. **Exceptions Supersede Conflicting Regulations.** Exceptions to the regulations that are approved under the provisions of this Section shall supersede any conflicting Engineering Standards and Zoning District restrictions in which the Planned Development is located. In no case shall the uses, intensities, or densities be varied, except as herein provided.
- E. **Vehicular Movement and Standards.**
1. **Street Design.** The street design should include a clearly defined hierarchical street system. Streets, drives, parking and service areas must provide a safe and convenient access to development and project facilities, and for service and

emergency vehicles. The street network shall be designed according to the standards described in *Section IV.1 Street Type Standards* of the LDR regarding street design.

2. **Access.** Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Public access points shall be determined based on *Section IV.1 Street Type Standards* of the LDR.
3. **Private streets.** Private streets may be utilized and shall follow the standards established in *Section IV.1 Street Type Standards* of the LDR.
4. **Traffic Calming Techniques.** Certain flexibility will be allowed for the use of generally accepted traffic calming techniques within the Planned Development. Acceptable techniques include but are not limited to such things as speed tables, chicanes, raised crosswalks, roundabouts/traffic circles, traffic diverters, curb extensions or raised median islands.

F. Pedestrian and Bicycle Movement.

1. **Pedestrian and Bicycle Paths.** Pedestrian and/or bicycle paths shall be in accordance with the Lakeland Park Master Plan and Comprehensive Plan and designed according to *Section IV.1 Street Type Standards* of the LDR. Internal pedestrian and bicycle paths shall be provided within Planned Developments and provide linkages to the Greenway System. Access for pedestrian and cyclists shall be arranged to provide safe, convenient routes and need not be limited to the vehicular access points.
2. **Walkways.** Pedestrian walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units, to all project facilities and to off-site destinations likely to attract substantial pedestrian traffic. Walkways to be used by substantial numbers of children as play areas or routes to school or other principal destinations shall be so located and safeguarded as to minimize contacts with normal automobile traffic. Street crossings shall be held to a minimum on such walkways, located and designed to promote safety, appropriately marked and otherwise safeguarded. Bicycle paths may be incorporated into the walkway system. Pedestrian ways, appropriately located, designed and constructed, may also be combined with other easements.

G. Common Open Space and Public Facilities. The requirements of common open space and public facilities shall be in accordance with the provisions of this Article.

1. **Usability.** Common open space must be usable for recreational purposes or must

provide visual, aesthetic environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Development considering its size, density, expected population, topography and the number and type of structures to be provided.

2. **Improvements.** 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 building, structure or improvement to be located in the common open space must be appropriate to the uses which are authorized therefore and must conserve and enhance the amenities of the common open space with regard to its topography and the intended function.
3. **Coordination with phasing.** The development phasing sequence that is part of the PDP must coordinate the improvements 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, but in no event shall occupancy permits for any phase of the FDP be issued unless and until the open space that is part of that phase has been dedicated or conveyed and improved.
4. **Determination of suitability.** No common open space of a residential Planned Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners or property owners' association or other responsible party unless the 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.
5. **Conveyance.** All land shown on the FDP 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:
 - i. The Planning Commission and Board of Commissioners 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 City of Lakeland and the said dedication be approved by the Board of Commissioners.

- ii. 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 development fail to maintain the common open space in reasonable order and condition in accordance with the adopted FDP, the City may serve written notice upon such organization and/or the owners or residents of the Planned Development. After 30 days when the deficiencies of maintenance are not corrected, the City shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the City determines that the agency is prepared for the maintenance of the common open space such agency shall continue maintenance for yearly periods.
- iii. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned development that have a right of enjoyment of the common open space and shall become a lien on said properties.
- iv. If the common open space is deeded to a Homeowners' and/or Property Owners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for Preliminary and/or PDP approval. The provisions shall include, but not be limited to the following:
 - a. The Association must be set up before the homes or property are sold.
 - b. Membership must be mandatory for each home or property buyer, and any successive buyer.

3.1.3. RELATIONSHIPS WITH ADJOINING DEVELOPMENTS

- A. **Design.** The design of any Planned Development shall illustrate how land uses within the Planned Development will be compatible with adjacent land uses.
- B. **Screening.** Screening shall be provided as required in *Section III.3.11 Side and Rear Buffer* to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from similar adverse influences within the Planned Development.

3.1.4. SPECIFIC STANDARDS AND CRITERIA FOR RESIDENTIAL PLANNED DEVELOPMENTS

- A. **Purpose of Residential Planned Developments.** It is the intent and purpose of residential Planned Developments to permit innovative design and to enhance the environmental quality of residential development consistent with the purpose and intent of the LDR but with added flexibility to account for unique circumstances on individual properties. The arrangement of lots, protection of significant environmental features of the land, and the provision of public benefit features are important features of residential Planned Developments.
- B. **Definition of Residential Planned Development.** A development shall be considered a residential planned development if it contains a single residential use or a combination of residential uses, including multi-family residential, in accordance with the permitted use provisions in this chapter.
- C. **Additional Requirements and Standards.** In addition to the general standards and general provisions set forth above, planned residential developments shall comply with the following requirements and standards:
1. **Permitted Uses.** Within Residential Planned Developments, any permitted use, accessory use, or conditional use permitted in any residential district may be allowed, subject to review of the Planning Commission and approval of the Board of Commissioners.
 2. **Evaluation criteria.** The following factors shall be considered in the evaluation of residential Planned Developments:
 - (1) Preservation of existing major environmental features of the site including but not limited to major stands of trees, significant historical features, protection of scenic corridors, and protection of drainage ways.
 - (2) Provision of additional recreational uses and facilities, or imagination in recreation design such as providing club houses, swimming pools, tennis courts and other major facilities.
 - (3) Providing land for parks, recreation areas, schools, police and fire protection and other public facilities that serve or are proposed to serve the Planned Development. Such facilities shall be in addition to required facilities or dedication of land under conventional subdivisions.
 - (4) Development of a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators.

- (5) Exceptional design of the automobile circulation system as defined in *Section IV.1 Street Type Standards* regarding street design.
- (6) The inclusion of traffic calming techniques such as speed tables, chicanes, raised crosswalks, traffic circles, curb extensions, traffic diverters and raised median islands in the road design.
- (7) Combining distinctiveness and excellence in architectural setting and design.
- (8) Provision of subdivision entrance and fencing treatments along roadways.
- (9) Providing a comprehensive fencing or screening system, which offers the greatest possible degree of privacy.
- (10) Providing enclosed or sub-surface parking where applicable.
- 3. **Site Accessibility.** All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the residential Planned Development as defined in *Section IV.1 Street Type Standards*.
- 4. **Off-Street Parking.** All 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 as defined in *Section III.3.12 Parking Lot Landscaping*.
- 5. **Pedestrian Circulation.** The pedestrian circulation system and its related walkways shall be separated from the vehicular street system wherever possible in order to provide an appropriate degree of separation of pedestrian and vehicular movement as defined in *Section III.3 Landscape Standards* of the LDR.

3.1.5. SPECIFIC STANDARDS AND CRITERIA FOR NON-RESIDENTIAL PLANNED DEVELOPMENTS (OFFICE, COMMERCIAL, INDUSTRIAL)

- A. A development shall be considered a Non-residential Planned Development if it contains office, commercial or industrial uses or any combination thereof. In addition to the general standards and criteria outlined in this Article, Non- residential Planned Developments shall comply with the following standards:
 - 1. **Limits of Residential Uses.** Except for hotels and motels, no buildings within a Non-residential Planned Development shall be designed, constructed, structurally altered or used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises. This provision shall not be applicable in Planned Development Special Permits approved for mixed uses.

2. **Screening.** When structures or uses in a Non-residential Planned Development abut a residential district or residential buildings are permitted in the same development, screening and buffering shall be provided as required in *Section III.3.11 Side and Rear Buffer*.
3. **Display of Merchandise.** All business, manufacturing and processing and all merchandise and materials shall be conducted, displayed or stored within a completely enclosed building or within an open area that is completely screened from the view of adjacent properties and public rights-of-way. However, where automobile service stations or gasoline sales are permitted, gasoline may be sold from pumps outside of a structure.
4. **Accessibility.** The site shall be accessible from the existing and proposed street network in the vicinity. The street network shall be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located therein and may be designed to discourage outside through traffic from traversing the development. Shared driveways or access points shall be encouraged.
5. **Landscaping.** Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. Buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining property, property owners, and occupants.
6. **Mixed Use Planned Developments.** Planned Developments that do not qualify as Residential Planned Developments and that are not exclusively for Office, Commercial or Industrial uses shall be considered Mixed Use Planned Developments and shall be subject to all of the applicable standards contained in this Article.

3.2. FLOODPLAIN OVERLAY DISTRICT.

3.2.1. AUTHORIZATION AND PURPOSE

- A. **Statutory Authorization.** The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.
- B. **Findings of Fact.**

1. **Eligibility in National Flood Insurance Program.** The Lakeland Board of

Commissioners wishes to maintain eligibility in the National Flood Insurance Program and to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.

2. **Areas Subject to Flooding.** Areas of the City of Lakeland are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. **Flood Losses.** These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. **Statement of Purpose.** It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers that accommodate flood waters;
4. Control filling, grading, dredging and other development that may increase erosion or flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

D. **Objectives.** The objectives of this Ordinance are:

1. To protect the health, safety, and general welfare of its citizenry.
2. To minimize expenditure of public funds for costly flood control projects
3. To minimize the need for rescue and relief efforts associated with flooding and undertaken at the expense of the general public.
4. To minimize prolonged business interruptions
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas.

6. To help maintain a tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas.
7. To ensure that potential buyers are notified that property is in a floodable area.
8. To maintain eligibility for participation in the National Flood Insurance Program (NFIP)

3.2.2. DEFINITIONS

A. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance it's most reasonable application.

1. **Accessory Structure.** A subordinate structure to the principal structure and, for the purpose of this section shall conform to the following:
 - (1) Accessory structures shall not be used for human habitation.
 - (2) Accessory structures shall be designed to have low flood damage potential.
 - (3) Accessory structures shall be constructed and placed on the building site to offer the minimum resistance to the flow of floodwaters.
 - (4) Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement, which otherwise may result in damage to other structures.
 - (5) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.
2. **Act.** The statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.
3. **Addition (to an existing building).** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.
4. **Appeal.** A request for a review of the City Engineer's interpretation of any provision of this Ordinance or a request for a variance to the Board of Appeals.
5. **Area of Shallow Flooding.** A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

6. **Area of Special Flood-Related Erosion Hazard.** Is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the flood hazard boundary map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.
7. **Area of Special Flood Hazard.** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.
8. **Base Flood.** Means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.
9. **Basement.** That portion of a building having its floor subgrade (below ground level) on all sides.
10. **Breakaway Wall.** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
11. **Building.** For purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See “structure”).
12. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
13. **Elevated Building.** A non-basement building built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater pilings, columns (posts and piers) or shear walls adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
14. **Emergency Flood Insurance Program or Emergency Program.** The program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

15. **Erosion.** The process of the gradual wearing away of land masses. This peril is not per se covered under the Program.
16. **Exception.** A waiver from the provisions of this Ordinance that relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.
17. **Existing Construction.** Means any structure for which the “start of construction” commenced before the effective date of the initial Floodplain Management Code or ordinance adopted by the community as a basis for that community’s participation in the NFIP.
18. **Existing Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Ordinance adopted by the community as a basis for that community’s participation in the NFIP.
19. **Existing Structures.** See Existing Construction. Expansion to an Existing Manufactured Home Park or
20. **Subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
21. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source
22. **Flood Elevation Determination.** A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.
23. **Flood Elevation Study.** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
24. **Flood Hazard Boundary Map (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood

related erosion areas having special hazards have been designated as Zone A, Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

25. **Flood Insurance Study.** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.
26. **Floodplain or Flood-Prone Area.** Any land area susceptible to being inundated by water from any source (see definition of “flooding”).
27. **Floodplain Management.** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
28. **Flood Protection System.** Physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are constructed in conformance with sound engineering standards.
29. **Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
30. **Flood-Related Erosion.** The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.
31. **Flood-Related Erosion Area or Flood-Related Erosion Prone Area.** A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high-water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
32. **Flood-Related Erosion Area Management.** The operation of an overall program

of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

33. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
34. **Floor.** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
35. **Freeboard.** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway condition, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.
36. **Functionally Dependent Use.** A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
37. **Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
38. **Historic Structure.** Any structure that is:
- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
 - (3) Individually listed on a Tennessee inventory of historic places with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (4) Individually listed on a local inventory of historic places and determined as

eligible by communities with historic preservation programs that have been certified either:

- i. By an approved state program as determined by the Secretary of the Interior, or
 - ii. Directly by the Secretary of the Interior.
39. **Levee.** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
40. **Levee System.** A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
41. **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non- elevation design requirements of this Ordinance.
42. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
43. **Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
44. **Map.** The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.
45. **Mean Sea Level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
46. **National Geodetic Vertical Datum (NGVD).** A vertical control used as a reference for establishing varying elevations within the floodplain.
47. **New Construction.** Any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

48. **New Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance or the effective date of the initial Floodplain Management Ordinance and includes any subsequent improvements to such structure.
49. **North American Vertical Datum (NAVD).** Means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.
50. **One hundred (100)-Year Flood.** See Base Flood.
51. **Person.** Any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.
52. **Reasonably Safe from Flooding.** Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.
53. **Recreational Vehicle.** A vehicle that is:
- (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less when measured at the largest horizontal projections;
 - (3) Designed to be self-propelled or permanently towable by a light duty vehicle; and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
54. **Regulatory Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
55. **Riverine.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
56. **Special Flood Hazard Area.** Is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated a Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into

Zones A, AO, AH, A1-30, AE, or A99.

57. **Special Hazard Area.** An area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.
58. **Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/ or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
59. **State Coordinating Agency.** The agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.
60. **Structure.** A walled and roofed building including a gas or liquid storage tank that is principally above ground as well as a manufactured home.
61. **Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.
62. **Substantial Improvement.** Means any reconstruction, rehabilitation, addition, alteration, or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the initial improvement. This term includes structures which have

incurred “substantial damage”, regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre- identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) any alteration of an “historic structure”, provided that the alteration will not preclude the structures continued designation as an “historic structure”.

63. Substantially Improved Existing Manufactured Home Parks or Subdivisions.

Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

64. Variance. A grant of relief from the requirements of this Ordinance that permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

65. Violation. The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance that is presumed to be in violation until such time as documentation is provided.

66. Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

3.2.3. PROCEDURES AND PROVISIONS

A. General Provisions.

1. **Applicability.** This Chapter shall apply to all areas within the incorporated area of City of Lakeland, Tennessee.
2. **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified on the Lakeland, Tennessee, federal emergency management agency, flood insurance study (FIS) and flood insurance rate map (FIRM), community panel number 47157C0195G, 47157C0215G, 47157C0220G,

47157C0310G; and 47157C0330G, dated February 6, 2013, and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance.

3. **Requirement for Development Permit.** A development permit shall be required in conformity with this Chapter prior to the commencement of any development activity.
4. **Compliance.** No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
5. **Abrogation and Greater Restrictions.** This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.
6. **Interpretation.** In the interpretation and application of this Ordinance, all provisions shall be:
 - (1) considered as minimum requirements;
 - (2) liberally construed in favor of the governing body, and;
 - (3) deemed neither to limit nor repeal any other powers granted under state statutes.
7. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Lakeland, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made hereunder.
 - (1) **Penalties for Violation.** Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues it shall be considered a separate offense. Nothing herein contained shall prevent the

City of Lakeland from taking such other lawful actions to prevent or remedy any violation.

B. Administration.

1. **Designation of City Engineer.** The City Engineer is hereby appointed to administer and implement the provisions of this Ordinance.
2. **Permit Procedures.** Application for approval of a development shall be made to the City Engineer prior to any development activity. The development requirement may include but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:

(1) Application stage.

- i. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all Buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.
- ii. Elevations in relation to mean sea level, to which any non-residential building will be flood-proofed, where base flood elevation data is available or to certain height above the highest adjacent grade when applicable under this ordinance.
- iii. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood- proofing criteria in this Section, where base flood elevation data is available.
- iv. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(2) Construction Stage.

- i. Within unnumbered A zones, where flood elevation data are not available, the City Engineer or Code Enforcement Official shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The city engineer shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non- residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

- ii. For all new construction and substantial improvements, the permit holder shall provide to the City Engineer an as-built certification of the regulatory floor elevation or flood proofing level upon the completion of the lowest floor or flood proofing.
 - iii. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above- referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
 - a. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor and certified by same. When flood proofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.
 - iv. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.
- (3) **Duties and Responsibilities of the City Engineer.** Duties of the City Engineer shall include, but not be limited to:
- i. **Review of Development Applications.** The City Engineer shall review all development applications to assure that the requirements of this Ordinance have been satisfied and that proposed building sites will be reasonably safe from flooding. The developer's engineer will submit all necessary hydraulic analysis to the City Engineer.
 - ii. **Provide Advice to Applicants.** The City Engineer shall advise applicants that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such

permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

- iii. **Notification.** The City Engineer shall provide notification to adjacent communities and the appropriate State of Tennessee Department, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
- iv. **Interpretation Of Boundaries.** Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the City Engineer shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.
- v. **Utilize Flood Elevation And Floodway Data.** When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency, then the City Engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance. Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the City Engineer shall require the lowest floor of a residential building to be elevated or flood proofed to a level of at least three (3) feet above the highest adjacent grade. All applicable data including elevations or flood proofing certifications shall be recorded as set forth in this Section.
- vi. **Maintain records.** All records pertaining to the provisions of this Ordinance shall be maintained in the office of the City Engineer and/or Code Enforcement Official and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files in construction code enforcement office.
- vii. **Monitor Carrying Capacity.** Assure that the flood carrying capacity within

an altered or relocated portion of any water course is maintained.

viii. **Document Building Elevations.** Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings. Survey data to be provided to construction code enforcement prior to issuance of final use and occupancy.

ix. **Document Flood-proofing of Buildings.** Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood proofed. This information will be kept by the City Engineer. Obtain Certifications. When flood-proofing is utilized, the City Engineer shall obtain certification from a registered professional engineer or architect.

C. Use regulations.

1. **Flood fringe districts.** Within the areas designed as FF flood fringe districts, the uses permitted under the original zoning designation will be allowed with the addition of the following requirements:

- (1) Residential construction. New construction and substantial improvements of any residential structure shall have the lowest floor, including the basement, elevated no lower than 30 inches above the base flood elevation.
- (2) Nonresidential construction. New construction and substantial improvement of any commercial or other nonresidential structure shall either have the lowest floor, including the basement, elevated to 1.5 feet above the base flood elevation; or together with attendant utility and sanitary facilities, shall:
- (3) Be floodproofed so that below such level the structure is watertight with walls substantially impermeable to the passage of water; and
- (4) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (5) Land may be filled within flood fringe areas, provided that such fill does not extend into the floodway, and further provided that such fill extends 25 feet beyond the limits of any structure erected thereon. Fill shall consist of soil or rock materials only and shall be protected from erosion. Fill slopes shall not be steeper than one-foot vertical to two feet horizontal unless steeper slopes are justified and approved by the building inspector. Fill shall be used only to the extent that it does not adversely affect adjacent properties as determined by the building inspector.

2. **Floodway districts.** Within the areas designated as FW floodway districts, development must not result in any increase in flood levels during the occurrence of the base flood discharge and must be approved by the planning commission. The determination of an increase in flood levels will be made by the city engineering department based on information provided by the person wishing to develop the property in the floodway. Examples of development that may be allowed in the floodway are:

- (1) Agricultural uses.
- (2) Uses incidental to industrial-commercial structures, such as loading areas, parking areas, airport landing strips (except in flash flood areas).
- (3) Private and public recreational uses, such as golf courses, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, wildlife and nature preserves, fish hatcheries, shooting preserves, target ranges, hunting and fishing areas, hiking and horseback riding trails.
- (4) Uses incidental to residential structures, such as lawns, gardens, parking areas and play areas. Other uses may be acceptable, provided that the permit official can determine that no increase in flood heights will result.
- (5) There shall be no encroachments, including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in an increase in flood levels during occurrence of the base flood discharge.
- (6) Manufactured homes are prohibited except within existing mobile (manufactured) home parks.

D. Provisions for Flood Hazard Reduction

1. **General Standards.** In all flood prone areas, the following provisions are required:
- (1) **Anchoring.** New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (2) **Anchoring for Manufactured Homes.** Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
 - (3) **Construction Materials.** New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood

damage.

- (4) **Construction Methods.** New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (5) **Service Facilities.** Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/ or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) **Water Supply Systems.** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) **Sanitary Sewerage Systems.** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (8) **On-site Waste Disposal Systems.** On-site waste disposal systems shall be located and constructed to avoid impairment to them on contamination from them during flooding.
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said nonconformity is not further extended or replaced.
- (11) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the federal water pollution control act amendments of 1972, 33 U.S.C. 1334.
- (12) All subdivision proposals and other proposed new development proposals shall meet the standards of paragraphs below.
- (13) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.
- (14) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

2. **Specific Standards.** These provisions shall apply to all areas of special flood

hazard as provided herein:

- (1) **Residential Construction.** Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than thirty (30) inches above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, opening sufficient to facility the unimpeded movements of flood water shall be provided in accordance with standards of this Section. Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the city engineer shall require the lowest floor of a building to be elevated or flood proofed to a level of at least three (3) feet above the highest adjacent grade. All applicable data including elevations or flood proofing certifications shall be recorded as set forth in this Section.
- (2) **Non-Residential Construction.** In AE zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than thirty (30) inches above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “enclosures”.
- (3) In Approximate A zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in article ii). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “enclosures”?
- (4) Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A

Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the city engineer as set forth in this ordinance.

3. **Enclosures.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - ii. The bottom of all openings shall be no higher than one foot above grade; and,
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
- (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of this Section of this Ordinance.

4. **Standards for Manufactured Homes and Recreational Vehicles**

- (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - i. In AE zones, with base flood elevations, the lowest floor of the

manufactured home is elevated on a permanent foundation no lower than thirty (30) inches above the level of the base flood elevation; or;

- ii. In approximate A zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers or other foundation elements at least three (3) feet in height above the highest adjacent grade.
 - iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or in which a manufactured home has incurred “substantial damage” as the result of a flood, any manufactured home placed or substantially improved must meet the standards of this Section.
 - iv. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - v. All recreational vehicles placed on identified flood hazard sites must either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
 - c. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this Section above if on the site for longer than one hundred eighty (180) consecutive days.
 - d. Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
5. **Standards for subdivisions and other proposed new development proposals**
- (1) Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.
 - (2) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
 - (3) All subdivision and other proposed new development proposals shall have

public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

- (4) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) In all approximate “A” zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.

6. **Standards for Areas of Special Flood Hazard Zones AE With Established Base Flood Elevation but Without Floodways Designated.** Located within the areas of special flood hazard established in this Section, where streams exist with base flood data provided but where no floodways have been provided, (Zone AE) the following provisions apply:

- (1) **Certification for Encroachments.** No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the area. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles. The city engineer reserves the right to adjust the water surface elevation increase criteria based on known issues within the community.
- (2) **Elevating or Flood-proofing.** New construction or substantial improvements of buildings shall be elevated or flood- proofed to elevations established in accordance with this Section.

7. **Standards for Areas of Shallow Flooding (AO and AH Zones).** Located within the areas of special flood hazard established in this Section are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential buildings and non- residential buildings shall have the lowest floor, including basement,

elevated to at least thirty inches above the flood depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of this Section and “elevated buildings”.

- (2) All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. the structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood proofed to at least one (1) foot above the specified firm flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - i. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the city engineer as set forth above and as required in this Section.
 - ii. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
 - iii. The administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.
- (3) **Drainage Paths.** Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

8. **Standards for Areas Protected by Flood Protection System (A-99 Zones).**

Located within the areas of special flood hazard established in this Section are areas of the one hundred (100)- year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones), all provisions of this Section shall apply.

9. **Standards for Areas of Special Flood Hazard with Established Base Flood**

Elevation and With Floodways Designated. Located within the areas of special flood hazard established in this Section are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in any increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof. The city engineer reserves the right to adjust the water surface elevation increase criteria based on known issues within the community.
- (2) New construction or substantial improvement of buildings shall comply with all applicable flood hazard reduction provision of this Section.

10. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations but Without Floodways Designated (AE Zones). Located within the City of Lakeland established in this Section where streams exist with base flood data provided but where no floodways have been designated (Zones AE) the following provisions apply:

- (1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot an any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles. The city engineer reserves the right to adjust the water surface elevation

increase criteria based on known issues within the community.

- i. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with this Section.

11. Standards for Streams Without Established Base Flood Elevations or Floodways (A Zones). Located within the areas of special flood hazard established in article iii, where streams exist, but no base flood data has been provided (A Zones), or where a floodway has not been delineated, the following provisions shall apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with this Section, then the city engineer shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this Section. Only if data is not available from these sources, then the following provisions (b & c) shall apply:
- (2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles. The city engineer reserves the right to adjust the water surface elevation increase criteria based on known issues within the community.
- (3) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of this Section and “elevated buildings”.

12. Standards for Subdivision. Subdivisions and other proposed new developments, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. All

subdivision proposals shall be consistent with the need to minimize flood damage. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- (1) **Public Utilities and Facilities.** All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (2) **Drainage.** All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (3) **Base Flood Elevation Data.** Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions).
- (4) **Streets.** The lowest point of all subdivision streets shall be no less than twelve (12) inches above base flood elevations.
- (5) **Design.** Subdivision designs will include a routing of the 100-year storm through the development. Minimum finish floor elevations will be set by the developer's engineers on critical lots to ensure thirty (30) inches above the 100-year storm is maintained.
- (6) The cumulative effect of any proposed development shall not adversely affect floodway or flood fringe areas.

E. Application.

1. Before any construction, alteration or filling shall be allowed in either the flood fringe or floodway areas, the following information must be provided to the city engineer:
 - (1) Plans drawn to the scale of one-inch equals 100 feet showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill, storage of materials and drainage facilities.
 - (2) Elevation in relation to mean sea level of the lowest floor (including the basement) of all proposed structures.
 - (3) For new development, the lowest elevation of top of curb for streets and roadways shall be 1.5 feet above the published flood elevation. Further, the minimum elevation of the buildable area of all lots shall be set 1.5 feet above the published flood elevation.
 - (4) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
 - (5) Certification by a registered professional engineer or architect that the

nonresidential floodproofed structure meets the floodproofing criteria as set forth in this Section.

- (6) Description by a registered professional engineer or architect of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- (7) Proof that maintenance will be provided within any altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- (8) Certification that all necessary permits have been received from the governmental agencies from which approval is required by federal or state law.

2. Development in the flood fringe districts:

- (1) If it is determined by the city engineer that the development will meet all the requirements described in this division without reservation and the development consists of the following, then the development permit shall be granted by the city engineer:
 - i. Surface alteration that does not require a grading permit;
 - ii. A structure; or
 - iii. Combination of the two;
- (2) Development that consists of the development of two or more lots (as in a subdivision). Notify, in writing, applicants for a variance to construct a structure below the base flood level that such construction will result in increased premium rates for flood insurance and that such construction below the base flood level increases risk to life and property.

3. Other requirements:

- (1) **Notification of alteration of watercourse.** The applicant shall notify all adjacent communities and the state local planning office by certified mail of any proposed alteration or relocation of any watercourse. The applicant shall ensure the city, in writing, that flood-carrying capacity within the altered or relocated portion of any such watercourse is maintained. The applicant shall submit copies of all federal and state permits required for the proposed development.
- (2) **Maintenance of altered watercourse.** Subsequent to any alteration or relocation of watercourse, the city shall require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-

carrying capacity is not diminished.

F. Variance Procedures.

1. The City of Lakeland Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - (1) The danger that material may be swept onto other property to the injury of others.
 - (2) The danger to life and property due to flooding or erosion;
 - (3) The susceptibility of the proposed facility and its contents to flood damage;
 - (4) The importance of the services provided by the proposed facility to the community.
 - (5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
 - (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.

5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

G. Conditions for Variances.

1. **Minimum Relief Necessary.** Variances shall be issued upon a determination that the variance is the minimum relief necessary.
2. **Justification of Need.** Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship; and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. **Written Notice.** Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. **Record Keeping and Reporting.** The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

11.4



4. SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL PROVISIONS

4.1. WIRELESS TRANSMISSION FACILITIES

- A. **Scope.** The regulations set forth in this Section shall apply to wireless transmission facilities.
- B. **Purpose.** The purpose of the regulations of this Section is to minimize the potential negative impact to surrounding property through application of reasonable technical and development standards for the installation and placement of wireless transmission facilities. The goals of this ordinance are to:
1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;

4. Supplemental District Regulations and Special Provisions	258
4.1. Wireless Transmission Facilities.....	258
4.2. Renewable Energy	291
4.3. Incidental Uses in Conjunction with Wineries	298

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

2. Encourage the location of towers in non- residential areas;
3. Minimize the total number of towers throughout the community;
4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use transmission facilities;
5. Encourage users of transmission facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
6. Encourage users of transmission facilities to configure them in a way that minimizes the adverse visual impact of towers and antennas through careful site design, landscape screening, and innovative camouflaging techniques;
7. Enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently;
8. Consider the public health and safety of wireless transmission facilities;
9. Avoid potential damage to adjacent properties from tower failure through engineering and careful site selection of tower structures; and,
10. Give due consideration to the City of Lakeland Land Use Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of wireless transmission facilities.

C. Definitions.

1. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - (1) **Alternative Tower Structure.** Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
 - (2) **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
 - (3) **Backhaul Network.** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and or long-distance providers, or the public switched telephone network.
 - (4) **FAA.** The Federal Aviation Administration. **FCC.** The Federal

Communication commission.

- (5) **Height.** When referring to a tower or other structure, the distance measured from finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (6) **Mature System.** An existing wireless transmission facility.
- (7) **Street.** The surface of and all rights-of-way and the space above and below any public street, road, highway, freeway, lane, public way or place, sidewalk, alley court, drive or easement now or hereafter held by the City for public travel and shall also mean other easements or rights-of-way as shall be now held or hereafter held by the City which shall, within their proper use and meaning, entitle a user to the use thereof for the purposes of installing plant, facilities and equipment as may be ordinarily necessary and pertinent to utilizing wireless transmission facilities for production or transmission.
- (8) **Tower.** The base of any wireless transmission facility including, but not limited to, a self-supporting lattice tower, guyed tower, or monopole tower, together with an antennae or other appurtenances.
- (9) **User.** Any wireless telecommunications carrier utilizing wireless transmission facilities for production or transmission.
- (10) **Transmission Facilities.** Buildings, cabinets, structures and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers and all other buildings and structures relating to low- power mobile voice transmission, data transmission, video transmission and radio transmission, or wireless transmission; accomplished by linking a wireless network of radio wave transmitting devices (including, but not limited to, wire, cable, fiber optics, laser, microwave, digital, radio, satellite, portable phones, pagers, mobile phones or similar facilities) to the conventional ground- wired communications system (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.

D. Applicability

- 1. **New Towers and Antennas.** All new towers and antennas in the City of Lakeland shall be subject to these regulations, except as provided herein.
- 2. **Amateur Radio Station Operator/Receive Only Antenna.** These regulations

shall not govern any tower, or the installation of any antenna, which is under sixty-five (65) feet in height and is owned and operated by a radio station operator or is less than sixty-five (65) feet in height used exclusively for receive-only antennas. Specific requirements for amateur antennas are found in *Section II.4.1(F) Exceptions*.

3. **Pre-existing Towers or Antennas.** Pre-existing towers and antennas shall not be required to meet the requirements of this Ordinance; provided, however, the applicant shall meet any state or federal requirements established since erection where compliance is mandated regardless of the date of installation.
4. **AM Array.** For purposes of implementing this Section, an AM Array, consisting of one or more tower units and supporting ground system which functions as an AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

E. Process.

1. The use of land for wireless transmission facilities shall be permitted in residential, agricultural, commercial and industrial districts; provided, however, that no building permit shall be issued or construction initiated without the review and approval of the Planning Commission with a recommendation from the Design Review Commission; and that the other requirements set forth in this division are met. All wireless transmission facilities shall be subject to the technical and developmental standards of this Section, to the minimum standards in the zoning district in which the “wireless transmission facility” is located, and to such additional conditions that the Planning Commission and the Design Review Commission may require preserving and protecting the character of the district in which the proposed use is located.
2. The use of an electrical transmission tower or pole along major arterial or collector street (per the City’s Major Road Plan), for wireless transmission facilities, shall be permitted in residential, agricultural, and commercial and industrial districts; provided, however, that no building permit shall be issued or construction initiated without the review and approval of the Planning Commission and Design Review Commission; and that the other requirements set forth in this Section is met. All

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

wireless transmission facilities on an electrical transmission tower or pole along a major arterial or collector street shall be subject to the technical and development standards of this Section, to the minimum standards in the zoning district in which the wireless transmission facility is located, and to such additional conditions that the City may require preserving and protecting the character of the district in which the proposed use is located.

3. The use of land for the shared use of wireless transmission facilities where an approved wireless transmission facility exists on public or private property, and is not located within an existing power transmission line tower, shall be permitted in the residential, agricultural and commercial districts; provided, however, that no building permit shall be issued or construction initiated without the review and approval of the Planning Commission and with a recommendation from the Design Review Commission, and that the other requirements set forth in this Section are met. All wireless transmission facilities on a major and/or collector street shall be subject to the technical and development standards of this Section, to the minimum standards in the zoning district in which the wireless transmission facility is located, and to such additional conditions that the City may require preserving and protecting the character of the district in which the proposed use is located.
4. If, upon review of a wireless transmission facility submitted under *Section II.4.1(E)(2-3) Process*, and the City determines that additional review is necessary to completely evaluate the proposed facility, the City may defer the facility to the full process of review under *Section II.4.1(E) Process*, which includes review and approval by the Planning Commission and with a recommendation from the Design Review Commission.

F. Exceptions. The provisions of this Section shall not apply to:

1. Antennas or towers located on property owned, leased, or otherwise controlled by the City of Lakeland.
2. Antennas or towers located on property that are less than forty (40) feet in height unless otherwise regulated in this Ordinance.
3. Amateur Radio Station Operator/Receive Only Antenna not exceeding sixty-five (65) feet in height and in compliance with the following:
 - (1) The tower shall be located so that no part of the antenna or its elements shall encroach within the required side or rear yard setbacks or within ten feet of

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

any easement for overhead electric distribution or transmission lines.

- (2) The tower and any element of the tower, including guy wires or anchors, shall not be located within the front twenty (20) percent of any area of the tract or lot abutting a public street or approved private drive.
- (3) The tower height shall be established as the tallest point of the supporting tower and shall not include antenna mast or antenna elements affixed to the tower.
- (4) No more than one such tower shall be located on a tract or lot.
- (5) The request for a building permit shall be accompanied by a copy of a valid Amateur Radio Operators license issued by the FCC for the location requested.
- (6) Installation shall conform to all local building code and structural design requirements pertaining to wind loading and structural strength characteristics protecting against collapse of the tower.
- (7) Provisions must be made to keep children from climbing the tower. At a minimum, an enclosure including gates, shall be constructed around the property or the tower at least four (4) feet above the underlying grounds to adequately restrict access to the base of the tower from small children.
- (8) There shall be administrative site plan review to provide landscape screening to reasonably screen the tower from adjacent residential properties as determined by the Planning Director.

G. Site Plan.

1. The applicant shall submit a site plan describing the concept for the development of the entire parcel containing the wireless transmission facility as described in *Section 1.4.6 Site Plans*.

H. Time Limitation.

1. A final plan approved by the Planning Commission with a recommendation from the Design Review Commission shall be valid for a period not to exceed six (6) months. If substantial construction on the wireless transmission facility has not begun within six (6) months, the approval shall expire, and the applicant shall be required to resubmit plans to the Planning Commission with a recommendation from the Design Review Commission for approval based upon the latest technical and development standards for such facilities contained in this Section as well as

other applicable provisions contained in the Zoning Ordinance and Lakeland Municipal Code.

I. Technical Standards

1. **Frontage and setbacks.** Towers within all agricultural and residential districts shall be located on a single lot with a minimum of two hundred (200) feet of frontage on a public street (except when antenna is installed on existing electrical transmission towers or utility poles). The minimum distance from the base of the tower to any right-of-way and adjoining property line shall be equivalent to or greater than the height of the tower plus ten feet. Towers installed in zoning classifications other than agricultural and residential zoning districts shall conform to the minimum lot area and lot width requirements prescribed for the district in which the tower will be placed. The minimum distance from the base of the tower to any right-of-way should be one hundred (100) feet. The minimum distance from adjoining property lines shall be equivalent to or greater than the height of the tower plus ten feet. Notwithstanding the foregoing, the MPC may approve a lower minimum distance, in any commercial district, so long as the applicant's engineer can demonstrate that the minimum distance per code is unnecessary pursuant to the national standards recognized by the American National Standards Institute (ANSI). The documentation shall provide the dimensions of the fall radius of the tower. The resulting tower setback should then be fall radius plus ten (10) feet; provided, however, in the case of self-supporting lattice or guyed towers the minimum distance from the base of the tower to any right-of-way and adjoining property line shall be equivalent to or greater than two hundred fifty (250) feet or three hundred percent (300%) of the height of the tower, whichever is greater. Guys shall be placed no closer than seventy-five (75) feet from a right-of-way or adjoining property line. No buildings or structures shall be located within the setback area of any required yard, thereby providing a clear fall zone for the tower to any right-of-way and adjoining property line. The setbacks for all associated appurtenances, including buildings, cabinets, structures and facilities, shall correspond with the minimum setback requirements established for the zoning district in which the use is proposed.
2. **Separation Distance between Off-Site Uses.** Tower separation shall be measured from the base of the tower to the lot line of off-site uses or designated

areas as specified in the table below.

Table II.4.1. Separation Distance Between Off Site Uses

Separation Distance between Off-Site Uses	
Off-Site / Designated Area	Separation Distance
Detached residential dwelling units or vacant and zoned or otherwise approved for detached residential dwelling units.	200 feet or 200 percent of tower height whichever is greater*
Non-residentially zoned land or non-residential uses	None. Only setbacks apply per the underlying zoning district.
*Separation distance shall be measured by drawing or following a straight line between the base of the proposed tower and the closest property line of an off-site use.	

3. **Separation Distance Between Towers.** Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the base of the proposed tower. The separation distances shall be as described in *Table II.4.2. Separation Distance Between Towers* based upon the type of tower:

Table II.4.2. Separation Distance Between Towers

	Existing Self-Support Lattice	Existing Guyed	Existing Monopole (less than 75' in height)	Existing Monopole (75' or more in height)
Proposed Self-Support Lattice	5,000 feet	5,000 feet	1,500 feet	1,500 feet
Proposed Guyed	5,000 feet	5,000 feet	1,500 feet	1,500 feet
Proposed Monopole	1,500 feet	1,500 feet	1,000 feet	750 feet

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

4. **National standards.** The applicant's engineer shall provide documentation that the proposed wireless transmission facility meets or exceeds the standards of the American National Standards Institute (ANSI) for professionally acceptable radio frequency emissions standards.
5. **Tower height.**
 - (1) For a single user in a residential zoning district up to ninety (90) feet in height; for two or more users, up to one hundred twenty (120) feet in height.
 - (2) For a single user in a nonresidential zoning district up to ninety (90) feet in height; for two or more users, up to one hundred fifty (150) feet in height.
 - (3) To encourage shared use, the maximum tower height for wireless transmission facilities, incorporated within an existing power transmission line tower, shall be twenty (20) feet above the highest point of the existing power transmission line tower.
 - (4) To encourage shared use, the maximum tower height for wireless transmission facilities, on top of a utility pole, located within the right-of-way of a collector or major arterial street as defined in the Major Road Plan of the City of Lakeland, shall be eight (8) feet above the highest point of the existing utility pole.
6. **Structural requirements.** Prior to the approval of any tower more than thirty-five (35) feet in height, the applicant shall provide the City including the Planning Commission and Design Review Commission with written certification from a registered structural engineer that the tower can minimally withstand winds of seventy (70) miles per hour with one-half-inch radial ice, as per the ANSI Standards, and/or one hundred (100) miles per hour wind gusts, whichever is greater. For towers placed on buildings, the applicant shall also provide the City and Planning Commission and Design Review Commission such written certification, plus evidence that the building itself is structurally capable of safely supporting the tower and its accompanying equipment. Wireless transmission facilities shall be designed in accordance with acceptable standards for Seismic Zone 3.
7. **Cable Microcell Network.** Installing a cable microcell network using multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology may be permitted;

provided, however, such installations do not require the use of towers.

8. **Shared use.** The shared use of existing towers or the placement of towers less than thirty-five (35) feet in height at locations adjacent to a mature wireless facility, or wireless transmission facility incorporated within existing power transmission line towers, shall be encouraged whenever possible.

(1) The applicant's proposal for a new wireless transmission facility shall not be approved unless it can be documented by the applicant that the proposed equipment planned for the proposed tower cannot be accommodated on an existing or approved tower located within a minimum distance of ten hundredths (.10) miles due to one or more of the following reasons:

- i. The planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
 - ii. The planned equipment would cause radio frequency (FR) interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved.
 - iv. Geographic service requirements.
- (2) The applicant shall also address the extent to which shared use of the proposed tower will be allowed in the future. A letter of intent committing the tower owner and his successors to allow shared use of the tower, if an applicant agrees in writing to pay any reasonable charge for shared use, shall be filed with the City, prior to any permit being issued.
- (3) The applicant's plans must demonstrate how shared facilities would potentially be situated on proposed sites. Towers and/or structures shall be required to be designed for multi-tenants on the initial installation, i.e., designed for two sets of fully sectorized antenna arrays.

J. Development Standards

1. **Buffer/landscaping provisions.** The planting, maintenance and removal of trees associated with wireless transmission facilities shall comply with the Tree

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

Management Ordinance of the City of Lakeland, and other related regulations pertaining to land disturbance and grading and sediment and erosion control. For ground structures and equipment buildings, located in or abutting property zoned residential (either immediately adjacent to such property or across a public roadway), special care shall be taken to minimize the effects on the adjacent residential area. The following shall be considered minimum standards:

- (1) A minimum of fifty (50)-foot buffer strip shall be required on the outer perimeter of the property, abutting property currently zoned for residential, office or commercial use or development. No internal roads or driveways, parking areas, structures or storage of materials shall be allowed within the buffer strip. This standard shall not supersede any existing or future agreements or regulations which may provide for a greater buffer strip than outlined in *Section II.4.1(J)(1) Buffer/landscaping Provisions*.
- (2) The buffer strip shall consist of plantings and physical features sufficient to screen the view beginning at a specified level, reduce glare and noise, and provide greater privacy for nearby residential uses. The buffer shall be initially installed for the permanent year-round protection of adjacent property by visually shielding internal activities from adjoining property from ground level view to a minimum height of six (6) feet. A landscaping plan detailing the type, substance, design, width, height, opacity, growing period to maturity, time schedule for installation, and responsibility for perpetual maintenance of the buffer strip shall be submitted to the Design Review Commission for consideration of a recommendation.
- (3) The landscaping provisions of this Section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that, in the opinion of the Planning Commission, meet the intent and purpose of this Section. In instances where significant physical features exist (i.e., railroads, major roads and interstates, hillsides, preserved wooded areas, and utility easements, etc.) which in the opinion of the Planning Commission provided adequate buffering between land uses, the existing buffers may be used to meet landscaping requirements of this Section.
- (4) Security fencing shall be required and shall comply with the regulations set

forth in *Section III.3.15 Fences and Walls* of this Code for fencing. Security fencing (wood only) shall be required around the area of the wireless transmission facility. Other fencing requested by the user, in compliance with the Fence Regulations contained in this code shall be constructed, in addition to, and behind the required wood fencing.

- (5) Wireless transmission facilities mounted on a building or structure in a commercial district shall be screened and/or designed to blend in visually with the roof and/or structure and surroundings where mounted. Such methods and materials shall only require approval by the Planning Commission with a recommendation from the Design Review Commission.
- (6) Prior to issuance of a building permit, security acceptable to the City (such as a maintenance bond, letter of credit or similar security) shall be required to ensure completion of landscaping and screening provisions as outlined in the plan approved by the Planning Commission. The security shall be posted in an amount equal to one hundred ten percent (110%) of the total cost of the materials and installation of such improvements. This security shall be required for a period of one (1) year following the issuance of a Certificate of for the building, or one (1) year following the completion of construction of the wireless transmission facility if no Certificate of Completion is required.

2. **Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate at no existing tower, alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (1) No existing tower or structures are located within the geographic area which meets the applicant's engineering requirements;
- (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

- (3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers and structures would cause interference with the applicant's proposed antenna.
 - (5) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (6) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
3. **Off-street parking.** At least one (1) off-street parking space and/or an all-weather access drive capable of parking a vehicle shall be provided to service the wireless transmission facility. Parking facilities will be reviewed and considered for approval, approval with conditions, disapproval, or other applicable action by the Planning Commission and City Engineer.
4. **Lighting.** Outside lighting, if required for safety and security purposes, shall be arranged to minimize glare and reflection on adjacent residential properties and public streets. The Design Review Commission may recommend, and the Planning Commission may require, the submission of a lighting plan by a qualified professional engineer to ensure that the illumination of outside lighting as designed and installed does not exceed 0.5 footcandles, measured at the property line of abutting property zoned for residential use or development. Wireless transmission facilities shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other governmental authority.
5. **Signs.** The visual transfer of information on the public facility using external signs shall comply with the sign regulations set forth in the Lakeland Municipal Code. No signs including flags shall be allowed on an antenna or tower under any circumstance including flags. Signage, where required, shall be reviewed and considered for a recommendation for approval, approval with conditions,

disapproval, or other applicable action by the Design Review Commission.

6. **Vehicle access control.** The location and design of driveways and/or accesses to reach the facility from a public street shall be reviewed and considered for approval, approval with conditions, disapproval, or other applicable action by the Planning Commission and City Engineer.
7. **Erosion control and stormwater management.** The control of erosion during development and the design of drainage systems suitable to handle stormwater runoff after the site is developed shall be reviewed and considered for approval, approval with conditions, disapproval, or other applicable action by the Planning Commission and the City Engineer.
8. **Exterior treatment.** All wireless transmission facilities including buildings, cabinets, structures and facilities, shall be designed and constructed of materials to be architecturally compatible with the architectural character of the general area, and as approved by the Planning Commission.
9. **Franchises.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Lakeland have been obtained and shall file a copy of all required franchises with the City.
10. **Noise.** The intensity level of sound from the wireless transmission facility including temporary generators used during extended power outages, measured at the property line of abutting property zoned residential, shall not at any time exceed fifty (50) decibels. In instances where the Planning Commission with a recommendation from the Design Review Commission determines that a new wireless transmission facility site may create objectionable noise or a nuisance to any adjacent property, additional buffers or other physical features shall be required to mitigate the noise.

K. Inspections

1. The user shall provide the City with a letter of certification from the design engineers (electrical, structural and civil) indicating that the wireless transmission facility was constructed per the plans approved by the City. The letter shall be submitted within thirty (30) days of completion of the facility.
2. The user shall provide the City with a copy of the Shelby County's electrical inspector's report which ensures that the user met code requirements during

construction of the facility.

3. The user shall annually provide the City with a certified copy of the engineer's annual inspection report, which includes, but is not limited to, the condition of the grounding system, the structural integrity of the facility, any damage incurred over the past year, the condition of fasteners, and a plan to correct any documented deficiencies.

L. Removal.

1. Users vacating the property shall be responsible for removal of their respective buildings, cabinets, structures, facilities, and other appurtenances at their expense. It shall be the responsibility of the remaining facility user(s) and the landowner to maintain the site as per the site plan approved by the City of Lakeland. Legal use of the property for a wireless transmission facility shall be discontinued if all facility uses vacate the site for a minimum period of ninety (90) days.

M. Removal of Abandoned Wireless Transmission Facilities.

1. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower and related appurtenances shall remove the same within ninety (90) days of receipt of notice from the City of Lakeland notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandoned the tower and related appurtenances.

N. Nonconforming Uses

1. **Expansion of Nonconforming Use.** Towers that are constructed and antennas that are installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. **Pre-Existing Towers.** Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance (including replacement with a new tower of like construction and height) on a pre-existing tower shall cause

the property and all wireless transmission facilities and related appurtenances to be brought into compliance with current requirements of this Section and shall require review and approval by the Planning Commission with a recommendation from the Design Review Commission.

3. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.

Notwithstanding Article I of the Zoning Ordinance, a nonconforming tower or antenna that is damaged or destroyed may be rebuilt; provided, however, that the type, height, and location of the tower and related appurtenances shall be designed similarly to the previous tower and related appurtenances. Substantial deviation from the original facility will require submittal of revised plans and approval from the Planning Commission with a recommendation from the Design Review Commission. Building permits will be secured within 180 days of the date damage or destruction was incurred. If no building permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in this Section.

O. Building Permits.

1. It shall be unlawful to commence the excavation for the construction of any wireless transmission facility, including all associated appurtenances, until the City has issued a building permit and related permits for such work.

P. Small Wireless Facilities (ORD 19-271)

1. Purpose and Scope

- (1) **Purpose.** The purpose of this amendment is to establish policies and procedures for the placement of small wireless facilities in the public rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City's rights-of-way and to the City as a whole.
- (2) **Intent.** In enacting this Chapter, the City is establishing uniform standards to address issues presented by small wireless facilities, including without limitation, to:
 - i. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
 - ii. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;

- iii. Prevent interference with the facilities and operations of facilities lawfully located in public rights-of-way or public property;
 - iv. Protect against environmental damage, including damage to trees;
 - v. Preserve the character of the neighborhoods in which facilities are installed; and
 - vi. Facilitate rapid deployment of Small Wireless Facilities to provide the benefits of advanced wireless services.
- (3) **Conflicts with Other Sections or Laws.** This Section supersedes all Sections or parts of Sections adopted prior hereto that are in conflict herewith, to the extent of such conflict. In the event of any conflict between a provision hereof and a provision of T.C.A. §13-24-401 et. seq., the provision of such state statute shall control.

2. Definitions

- (1) "Aesthetic plan" means any publicly available written resolution, regulation, policy, site plan, or approved plat establishing generally applicable aesthetic requirements within the authority or designated area within the authority. An aesthetic plan may include a provision that limits the plan's application to construction or deployment that occurs after the adoption of the aesthetic plan. For purposes of this part, such a limitation is not discriminatory as long as all construction or deployment occurring after adoption, regardless of the entity constructing or deploying, is subject to the aesthetic plan.
- (2) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.
- (3) "Annual Lease Fee" means the fee due to the City for the installation of a Small Wireless Facility on City property irrespective of whether the property is owned, leased, or within the public right-of-way. Each installation/spot requires a separate Annual Lease Fee.
- (4) "Applicant" means any person who submits an application pursuant to this part.
- (5) "Application" means a request submitted by an applicant to an authority:
 - i. For a permit to deploy or collocate small wireless facilities in the ROW;

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

or

- ii. To approve the installation or modification of a PSS associated with deployment or colocation of small wireless facilities in the ROW.

(6) "Authority" means:

- i. "Authority" does not include a government- owned electric, gas, water, or wastewater utility that is a division of, or affiliated with, a municipality, metropolitan government, or county for any purpose of this part, and the decision of the utility regarding a request to attach to or modify the plant, facilities, or equipment owned by the utility shall not be governed by this part;
 - a. Within a municipal boundary, the municipality, regardless of whether such municipality is a metropolitan government.
 - b. Within a county and outside a municipal boundary, the county; or
 - c. Upon state-owned property, the state.

(7) "Authority-owned PSS" means a PSS owned by an authority but does not include a PSS owned by a distributor of electric power, regardless of whether an electric distributor is investor-owned, cooperatively owned, or government-owned; "City" means City of Lakeland, Tennessee.

(8) "City" means City of Lakeland, Tennessee.

(9) "Collocate," "collocating", and "colocation" mean, in their respective noun and verb forms, to install, mount, maintain, modify, operate, or replace small wireless facilities on, adjacent to, or related to a PSS. "Colocation" does not include the installation of a new PSS Wireless Support Structure or replacement of authority-owned PSS or Wireless Support Structure;

(10)"Communications facility" means the set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide communications service;

(11)"Communications service" means cable service as defined in 47 U.S.C. § 522(6), telecommunications service as defined in 47 U.S.C. § 153(53), information service as defined in 47 U.S.C. § 153(24) or wireless service;

(12)"Communications service provider" means a cable operator as defined in 47 U.S.C. § 522(5), a telecommunications carrier as defined in 47 U.S.C. § 53(51), a provider of information service as defined in 47 U.S.C. § 153(24), a

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

video service provider as defined in § 7-59-303, or a wireless provider;

(13)"Day" means calendar day.

(14)"Fee" means a one-time, nonrecurring charge;

(15)"Local authority" means an authority that is either a municipality, regardless of whether the municipality is a metropolitan government, or a county, and does not include an authority that is the state;

(16)"Micro wireless facility" means a small wireless facility that:

- i. Does not exceed twenty-four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height; and
- ii. The exterior antenna, if any, does not exceed eleven inches (11 ") in length;

(17)"Permittee" means an Applicant who is party to an Application and/or has been granted a Permit.

(18)"Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority;

(19)"Potential support structure for a small wireless facility" or "PSS" means a pole or other structure used for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, including poles installed solely for the colocation of a small wireless facility. When "PSS" is modified by the term "new," then "new PSS" means a PSS that does not exist at the time the application is submitted, including, but not limited to, a PSS that will replace an existing pole. The fact that a structure is a PSS does not alone authorize an applicant to collocate on, modify, or replace the PSS until an application is approved and all requirements are satisfied pursuant to this part;

(20)"Rate" means a recurring charge;

(21)"Residential neighborhood" means an area within a local authority's geographic boundary that is zoned or otherwise designated by the local authority for general purposes as an area primarily used for single- family residences and does not include multiple commercial properties and is subject to speed limits and traffic controls consistent with residential areas;

(22)"Right-of-way" or "ROW" means the space, in, upon, above, along, across, and over all public streets, highways, roads, alleys, sidewalks, tunnels,

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

viaducts, bridges, skywalks under the control of the City, and any unrestricted public utility easement established, dedicated, platted, improved, or devoted for utility purposes and accepted as such public utility easement by the authority, but excluding lands other than streets that are owned by the City.

(23)"Right-of-Way Use Permit" or "Permit" means an excavation/road bore permit for excavation of a street for the construction or installation of fiber optic cable, conduit, and associated equipment in the Right-of-Way.

(24)"Small wireless facility" means a wireless facility with:

- i. **Antennas** that could fit within an enclosure of no more than six (6) cubic feet in volume; and
- ii. Other wireless equipment in addition to the antenna that is cumulatively no more than twenty-eight (28) cubic feet in volume, regardless of whether the facility is ground- mounted or pole-mounted. For purposes of this subdivision (X)(2) "other wireless equipment" does not include an electric meter, concealment element, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, or a vertical cable run for the connection of power and other services.
- iii. "Small wireless facility" includes a micro wireless facility.

(25)"Utility Pole" means a pole or similar structure that is used in whole or in part for the purpose of carrying electric distribution lines or cables or wires for telecommunications, cable or electric service, or for lighting, traffic control, signage, or a similar function regardless of ownership, including City-owned/leased poles. Such term shall not include structures supporting only Wireless Facilities.

(26)"Wirelines backhaul facility" means a communications facility used to transport communications services by wire from a wireless facility to a network.

(27)"Wireless facility" means equipment at a fixed location that enables wireless communications between the user equipment and a communications network, including:

- i. Equipment associated with wireless communications; and
- ii. Radio transceivers, antennas, coaxial or fiber- optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration;

- iii. "Wireless facility" does not include:
 - a. The structure or improvements on, under, or within which the equipment is collocated;
 - b. Wireline backhaul facilities; or
 - c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
 - (28)"Wireless facility" includes small wireless facilities. (CC) "Wireless Infrastructure Provider" means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, Wireless Facilities or Wireless Support Structures, but that is not a Wireless Services Provider.
 - (29)"Wireless provider" means a person who provides wireless service.
 - (30)"Wireless services" means any service using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public.
 - (31)"Wireless Support Structure" means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; or other existing or proposed structure designed to support or capable of supporting Wireless Facilities. Such term shall not include a utility pole.
- 3. Right-of-Way Use Permit**
- (1) No Person which has been issued a Right-of-Way Use Permit by the City may construct, install, and/or operate Wireless Facilities that occupy the Right-of-Way without first obtaining approval of a Small Wireless Application from the City. Any Right-of-Way use Permit shall be reviewed, issued, and administered in a non-discriminatory manner; shall be subject to such reasonable conditions as the City may from time to time establish for effective management of the Right-of-Way, and otherwise shall conform to the requirements of this Section and applicable law.
 - (2) A Right-of-Way Use approval for new utility installation is required prior to the issuance of a Right-of-Way Use Permit under this Chapter.
 - (3) A Right-of-Way Use Permit shall provide for the Annual Lease Fee, which shall be due January 1 of each year of the Agreement. The initial Annual Lease Fee

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

payment shall be due upon approval of the Right-of-Way Use Permit. Pursuant to Tenn. Code Ann. §13-24-407(a)(2) the maximum annual rate for colocation of a small wireless facility on a local authority-owned PSS is one hundred dollars (\$100).

- (4) **Insurance.** Each Permittee shall, at all times during the entire term of the Right-of-Way Use Agreement, maintain and require each contractor and subcontractor to maintain substantially the same insurance as required of each Permittee with a reputable insurance company authorized to do business in the State of Tennessee and which has an A.M. Best rating (or equivalent) no less than "A-" indemnifying the City from and against all claims for injury or damage to persons or property, both real and personal, caused by the construction, installation, operation, maintenance or removal of Permittee's Wireless Facilities in the Rights-of-Way. The amounts of such coverage shall be as follows:
- i. Worker's compensation in compliance with the statutory requirements of the State of Tennessee and employer's liability with a limit of \$1,000,000 each accident/disease/policy limit.
 - ii. Commercial general liability. Commercial general liability occurrence form, including premises/operations, independent contractor's contractual liability, product/completed operations; X, C, U coverage; and personal and advertising with limit of one million dollars (\$1,000,000) for bodily injury and two million dollars (\$2,000,000) general aggregate.
 - iii. Commercial Automobile liability. Commercial automobile liability coverage for all owned, non- owned and hired vehicles involved in operations in an amount of one million dollars (\$1,000,000) per occurrence combined single limit each accident for bodily injury and property damage.
- (5) The City shall be included as an additional insured as their interest may appear under each of the insurance policies required by this Section except worker's compensation and employer's liability insurance. Upon receipt of notice from its insurer(s) each Permittee shall provide the City with at least thirty (30) days' advance written notice of any cancellation of any required insurance policy.
- (6) The permittee shall require its contractors and subcontractors to obtain and

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

maintain substantially the same insurance as required of Permittee.

- (7) **Indemnification.** Each Permittee, its consultant, contractor, and subcontractor, shall, at its sole cost and expense, indemnify, defend and hold harmless the City, its elected and appointed officials, employees and agents, at all times against all claims for personal injury, including death, and property damage arising in whole or in part from, or caused by any act or omission of the Permittee, its officers, agents, employees or contractors arising out of the construction, installation, operation, maintenance or removal of Permittee's Wireless System or Wireless Facilities in the Rights-of-Way. Each Permittee shall defend any actions or proceedings against the City in which it is claimed that personal injury, including death, or property damage was caused by the Permittee's construction, installation, operation, maintenance or removal of Permittee's Wireless System or Wireless Facilities in the Rights-of- Way. The obligation to indemnify, hold harmless and defend shall include the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other reasonable costs of indemnification.
- (8) A valid Right-of-Way Use Permit is required to obtain an Approval for the installation of Small Cell Wire Facilities, Poles, and associated equipment.
- (9) **As-built maps.** As the City controls and maintains the Right-of-Way for the benefit of its citizens, it is the responsibility of the City to ensure that such public Right-of-Way meets the highest possible public safety standards. Upon request by the City and within thirty (30) days of such a request, a Permittee shall submit to the Department of Engineering (or shall have otherwise maintained on file with the Department) as- built maps and engineering specifications depicting and certifying the location of all its existing Small Wireless Facilities within the Right- of-Way, provided in standard electronic or paper format in a manner established by the City Engineer, or his or her designee. Such maps are and shall remain confidential documents and are exempt from public disclosure under the Tennessee Open Records Act (Tenn. Code Ann. §10-7-101 *et seq.*) to the maximum extent of the law. After submittal of the as-built maps as required under this Section, each Permittee having Small Wireless Facilities in the City Right-of-Way shall update such

maps as required under this chapter upon written request by the City.

(10)**Right to inspect.** With just and reasonable cause, the City shall have the right to inspect all of the Small Wireless Facilities, including aerial facilities and underground facilities, to ensure general health and safety with respect to such facilities and to determine compliance with the terms of this Chapter and other applicable laws and regulations. Any Permittee shall be required to cooperate with all such inspections and to provide reasonable and relevant information requested by the City as part of the inspection.

(11)**Transitional provisions.**

- i. Persons already authorized to use the Right-of- Way. Any Wireless Provider and/or entity holding a permit or other authorization from the City to own, construct, install, operate, and/or maintain Wireless Facilities in the Right-of-Way to provide services may continue to conduct those activities expressly authorized until the earlier of the following: i) the conclusion of the present term of its existing authorization, or ii) 180 days after the effective date of this Chapter. Notwithstanding the foregoing, any such Person shall apply for a superseding Right-of-Way Use Permit pursuant to this Chapter within 90 days after the effective date of the Chapter and shall be subject to the terms and conditions of this Chapter. Upon such Application, such Person shall be allowed to continue to own, operate and/or maintain is Wireless Facilities in the Right-of- Way until such Right-of-Way Use Permit becomes effective.
- ii. Operating without Right-of-Way Use Authorization. Any Person that owns or operates any Wireless Facilities currently located in the Right-of-Way, the construction, operation, or maintenance of which is not currently authorized but is required to be authorized under this Chapter, shall have ninety (90) days from the effective date of this Chapter to apply for a Right-of-Way Use Permit. Any Person timely filing such an Application shall not be subject to penalties for failure to hold a Right-of-Way Use Permit, provided that said Application remains pending. Nothing herein shall relieve any Person of any liability for its failure to obtain a Right-of-Way Use Permit or other authorization required under

other provisions of this Chapter or City ordinances or regulations, and nothing herein shall prevent the City from requiring removal of any Wireless Facilities installed in violation of this Chapter or City ordinances or regulations.

4. Small Wireless Facility Application and Fees

- (1) **Permitted Use.** Colocation of a Small Wireless Facility or installation of a new, replacement, or modified Utility Pole or Wireless Support Structure for the colocation of a Small Wireless Facility shall be a permitted use, subject to the restrictions in this Chapter.
- (2) **Requirements.** No person shall place a Small Wireless Facility in the Rights-of-Way, without first filing and receiving approval of a Small Cell Facility Application and a Right-of-Way Use Permit, except as otherwise provided in this Chapter.
- (3) **Small Wireless Facilities Applications.** All Applications for Small Wireless Facilities filed pursuant to this Chapter shall be on a form or paper provided by the City. The Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.
- (4) **Application Requirements.** The Application shall be made by the Wireless Provider or its duly authorized representative on forms, paper or electronic, and in such number as required by the City of Lakeland in accordance with applicable State legislation.
- (5) **Information Updates.** Any amendment to information contained in a Permit Application shall be submitted in writing to the City within ten (10) days after the change necessitating the amendment.
- (6) **Application Fees.** Unless otherwise provided by law, all Agreement and Permit Applications for Small Wireless Facility pursuant to this Section shall be accompanied by a fee for actual, direct, and reasonable costs incurred by the City related to processing the application and inspection, in the amount specified in Annual General Fund Revenue Schedule as adopted by the City in accordance with applicable State legislation. Pursuant to T.C.A. §13-24-407(a)(1), the maximum application fee is one hundred dollars (\$100) each

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

for the first five (5) small wireless facilities and fifty dollars (\$50) each for additional small wireless facilities included in a single application.

- (7) The City shall review the Application in light of its conformity with applicable regulations of this Section, and shall issue a Permit on nondiscriminatory terms and conditions subject to the following requirements:
- i. Pursuant to T.C.A. § 13-24-409(b)(2), the City shall notify an Applicant within 30 days of receiving an Application if the Application is incomplete. If an Application is incomplete, the City must specifically identify the missing information in writing.
 - ii. Pursuant to T.C.A. § 13-24-409(5), the City shall approve or deny all small wireless facilities within an Application within 60 days of receipt of the Application, unless an extension of the review period is allowed by T.C.A. § 13-24-409(b)(3)(B) or T.C.A. § 13-24-409(b)(7). Any Application not approved or denied within 60 days is deemed approved, unless the sixty-day period has been extended consistent with this Section.
 - iii. The City must advise the Applicant in writing of its final decision, and in the final decision document denying any application, the basis for the denial, including specific code provisions on which the denial was based, and send the documentation to the Applicant on or before the day the City denies the Application. The Applicant may cure the deficiencies identified by the City and resubmit the Application within thirty (30) days of the denial without paying an additional Application Fee. The subsequent review by the City shall be limited to the deficiencies cited in the original denial.
- (8) An Applicant seeking to construct, modify or replace a network of Small Wireless Facilities may submit a consolidated Permit Application and receive a single Permit for the installation of multiple Small Wireless Facilities as approved in their Small Wireless Facilities Application. The City, at its discretion, may issue a single permit for each location to facilitate the timely installation, inspection, and documenting of installed facilities. The City's denial of any site or sites within a single Permit Application shall not affect the validity of other sites submitted in the same

Application and the City shall grant Permit(s) for all sites approved in the Small Wireless Facilities Application to facilitate the timely installation, inspection, and documenting of installed facilities.

5. Facilities in the ROW; Maximum Height; Other Requirements

- (1) Unless otherwise determined by City staff, in an attempt to blend into the built environment, all Small Wireless Facilities, new or modified Utility Poles, Wireless Support Structures for the Colocation of Small Wireless Facilities, and associated equipment shall be similar in size, mass, and color to similar existing facilities and equipment in the immediate area subject to following requirements:
 - i. Colocation is required, when possible. Should the Wireless Provider not be able to collocate, the Wireless Provider shall provide justification in the application.
 - ii. Utility Poles - Maximum Height, Diameter, Design, Color. Newly erected Utility Poles shall be similar and match the height design, and color of existing Utility Poles in the immediate area but in no case, shall new or modified Utility Pole or Wireless Support Structure installed in the Rights-of-Way exceed the greater of:
 - a. Ten (10) feet in height above the tallest existing Utility Pole in the Rights-of-Way in place as of the effective date of this Section that is located within 500 feet of the new pole; or
 - b. Fifty (50) feet above ground level.
 - c. Wood poles are not allowed unless approved by the City.
 - d. When unable to match the design and color of existing Utility Poles in the immediate area new poles shall be designed using stealth or camouflaging techniques, to make the installation as least intrusive as possible including stealth poles that are black or dark green in color, powder-coated, that do not exceed 16 inches in diameter. The City reserves the right to require a street light on the Utility Pole.
 - iii. If the facility is to be on proposed existing infrastructure the following applies:
 - a. Applicant must provide a site plan indicating the location of any infrastructure upon which such small cell is proposed. The site plan shall

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

- indicate the location of all proposed accessory structures/facilities necessary for the support of the small cell. The site plan shall show all existing infrastructure (i.e. curb/gutter, sidewalk, underground utilities, roadways) in the immediate vicinity.
- b. Applicant must provide structural analysis from a licensed TN P.E. indicating that existing infrastructure is adequate to support the proposed small cell with appropriate safety factors. If the proposed existing infrastructure is inadequate, the applicant shall replace the existing infrastructure with infrastructure that is adequate to support the small cell. The City has review/approval authority of replacement infrastructure.
 - c. If the proposed existing infrastructure is a mast arm signalized intersection, all components of the small cell are to be black in color, unless otherwise approved by the City.
 - d. In the event it is necessary for fiber optics and/or electrical power to be installed with the proposed small cell, and the applicant chooses to install those utilities by directional boring construction techniques, applicant is responsible for providing proof that the directional boring activities shall not adversely affect existing storm drain and/or sanitary sewer connections. "Proof" entails providing pre and post video evidence of all storm drain and/or sewer service connections within the limits of the boring activities.
 - e. The applicant is responsible for maintaining all small cell and accessory infrastructure in perpetuity.
- iv. If the proposed location is on applicant installed infrastructure the following applies:
- a. Any new infrastructure to be installed with small cell must be black in color and must be break-away as per AASHTO (Green Book) guidelines.
- (2) New Small Wireless Facilities, Antennas, and associated equipment shall be installed in a manner that minimizes the physical and visual impact to the community, including but not limited to:
- i. Any associated equipment such as an electric meter, concealment element, telecommunications demarcation box, grounding

equipment, power transfer switch, cut-off switch, or a vertical cable run for the connection of power and other services that is required for a Small Wireless Facility shall be mounted at least 8 feet above grade on the pole and located in a shelter or case that does not extend more than 12 (twelve) inches past the edge of the pole it is mounted on. In the case of co-location, the mounts shall be on the same side of the pole. City staff has the discretion for authorizing ground-mounted equipment when unique or exceptional circumstances exist to protect the character of the surrounding area.

- (3) From time to time, additional criteria regarding the location, type, and/or design of Small Cell Facilities and Utility Poles shall be subject to change. All changes shall be compiled into a set of guidelines titled, City of Lakeland Aesthetic Plan: Design Guidelines for Wireless Communications Facilities in the Public Right-of-Way. In no case, shall any Guidelines be retroactive. Facilities approved for which Right-of-Way Use Permits have been issued prior to the effective date of a new Design Guidelines shall not be affected.
 - (4) **Construction in the Rights-of-Way.** All construction, installation, maintenance, and operation of Wireless Facilities in the Right-of-Way by any Wireless Provider shall conform to the requirements of the following publications, as from time to time amended: The Rules of Tennessee Department of Transportation Right-of-Way Division, the National Electrical Code, and the National Electrical Safety Code, as might apply.
6. **Permit Scope and Effect.** Installation, modification or collocation for which a Right-of-Way Use Permit is granted pursuant to this Section shall be completed within one year after the permit issuance date unless the City and the applicant agree to extend this period or a delay is caused by the lack of commercial power or communications facilities at the site. Approval of an application authorizes the applicant to:
- (1) Undertake the installation, modification or collocation; and
 - (2) Subject to applicable relocation requirements and the applicant's right to terminate at any time, operate and maintain the small wireless facilities and any associated utility pole covered by the permit for a period of not less than ten years, which must be renewed for equivalent durations so long as they

are in compliance with the criteria set forth in this Section.

7. Maintenance, Removal, Relocation or Modification of Small Wireless Facility and Fiber in the ROW.

- (1) **Notice.** Within six (6) months following written notice from the City, the Permittee shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any Small Wireless Facilities within the Rights-of-Way whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the Rights-of-Way. The City agrees to use good faith efforts to accommodate any such disconnection, removal, relocation, change, or alteration and to assist with identifying and securing a mutually agreed upon alternative location.
- (2) **Maintenance of Existing Facilities.** With respect to each Wireless Facility installed pursuant to a Right- of-Way Use Permit, Permittee is hereby permitted to enter the Right-of-Way at any time to conduct repairs, maintenance or replacement not substantially changing the physical dimension of the Wireless Facility. The permittee shall comply with all rules, standards, and restrictions applied by the City to all work within the Right-of-Way. If required by City, Permittee shall submit a "maintenance of traffic" plan for any work resulting in significant blockage of the Right-of-Way. However, no excavation or work of any kind may be performed without a Permit, except in the event of an emergency. In the event of an emergency, Permittee shall attempt to provide advance written or oral notice to the City Engineer.
- (3) **Removal of Existing Facilities.** If the Permittee removes any Wireless Facilities, it shall notify the City of such change within sixty (60) days.
- (4) **Damage to Facilities or property.** A Permittee, including any contractor or subcontractor working for a Permittee, shall avoid damage to any Wireless Facilities and/or public or private property. If any Wireless Facilities and/or public or private property are damaged by Permittee, including any contractor or subcontractor working for Permittee, the

Permittee shall promptly commence such repair and restore such property within ten (10) business days. The permittee shall utilize the Tennessee One Call System prior to any disturbance of the Rights-of-Way and shall adhere to all other requirements of the Tennessee Underground Utility Damage Prevention Act.

- (5) **Emergency Removal or Relocation of Facilities.** The City retains the right and privilege to cut or move any Small Wireless Facility located within the Rights-of-Way of the City, as the City may determine to be necessary, appropriate, or useful in response to any serious public health or safety emergency. If circumstances permit, the City shall notify the Wireless Provider in writing and provide the Wireless Provider a reasonable opportunity to move its own Wireless Facilities prior to cutting or removing a Wireless Facility and shall notify the Wireless Provider within 24 hours after cutting or removing a Wireless Facility. Any removal shall be at the Wireless Providers sole cost. Should the Wireless Facility be collocated on property owned by a third- party, the City shall rely on the third-party to remove the Wireless Facility and shall be provided adequate notice and time to facilitate such removal. If the third- party fails to remove the wireless facility in a timely manner, then the City has the right to remove the facility at the third-party's expense.
- (6) **Abandonment of Facilities.** Upon abandonment of a Small Wireless Facility within the Rights-of-Way of the City, the Wireless Provider shall notify the City within ninety (90) days. Following receipt of such notice, the City may direct the Wireless Provider to remove all or any portion of the Small Wireless Facility if the City reasonably determines that such removal will be in the best interest of the public health, safety, and welfare. Should the Wireless Facility be collocated on property owned by a third-party, the City shall rely on the third-party to remove the Wireless Facility and shall be provided adequate notice and time to facilitate such removal. Any removal shall be at the Wireless Providers sole cost. Failure to remove Wireless Facilities pursuant to this Code will result in no future permits being granted. If the third- party fails to remove the wireless facility in a timely manner, then the City has the right to remove the facility at the third-party's expense.

8. Remedies; violations.

- (1) In the event a reasonable determination is made that a Person has violated any provision of this Section, Small Wireless Facility Application or a Right-of-Way Use Permit, such Person shall be provided written notice of the determination and the specific, detailed reasons therefor. Except in the case of an emergency, the Person shall have thirty (30) days to commence to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the City, in its reasonable judgment, may extend the time period to cure, provided that the Person has commenced curing and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the City may take all actions authorized by this Section and/or Tennessee law and regulations.

9. General Provisions.

- (1) **Proprietary information.** If a Person considers information it is obligated to provide to the City under this Section to be a business or trade secret or otherwise proprietary or confidential in nature and desires to protect the information from disclosure, then the Person shall mark such information as proprietary and confidential. Subject to the requirements of the Tennessee Open Records Act (Tenn. Code Ann. §10-7-101 *et seq.*) as amended, and other applicable law, the City shall exercise reasonable good faith efforts to protect such proprietary and confidential information that is so marked from disclosure to the maximum extent of the law. The City shall provide written notice to the Person in the following circumstances: i) if the City receives a request for disclosure of such proprietary and confidential information and the City Attorney determines that the information is or may be subject to disclosure under applicable law; or ii) if the City Attorney determines that the information should be disclosed in relation to its enforcement of this Chapter or the exercise of its police or regulatory powers. In the event the Person does not obtain a protective order barring disclosure of the information from a court of competent jurisdiction within thirty (30) days following receipt of the City's notice, then the City may disclose the information without further written notice to the Person.

- (2) **Duty to provide information.** Within ten (10) days of a written request from the City, a Permittee shall furnish the City with information sufficient to demonstrate the following: that the Permittee has complied with all requirements of this Section; that all fees due to the City in connection with the services provided and Wireless Facilities installed by the Permittee have been properly paid by the Permittee; and any other information reasonably required relating to the Permittee's obligations pursuant to this Section.
- (3) **No substitute for other required permissions.** No Small Wireless Facility Application or Right-of-Way Use Permit includes, means, or is in whole or part a substitute for any other permit or authorization required by the laws and regulations of the City for the privilege of transacting and carrying on a business within the City or any permit or agreement for occupying any other property of the City.
- (4) **No waiver.** The failure of the City to insist on timely performance or compliance by any Permittee holding a Right-of-Way Use Permit shall not constitute a waiver of the City's right to later insist on timely performance or compliance by that Permittee or any other Permittee holding such Right-of-Way Use Permit. The failure of the City to enforce any provision of this Section on any occasion shall not operate as a waiver or estoppel of its right to enforce any provision of this Chapter on any other occasion, nor shall the failure to enforce any prior ordinance or City Charter provision affecting the Right- of-Way, any Wireless Facilities, or any user or occupant of the Right-of-Way act as a waiver or estoppel against enforcement of this Section or any other provision of applicable law.
- (5) **Policies and Procedures.** The City is authorized to establish such written policies and procedures consistent with this Section as the City reasonably deems necessary for the implementation of this Section.
- (6) **Police powers.** The City, by granting any Permit or taking any other action pursuant to this Section, does not waive, reduce, lessen, or impair the lawful police powers vested in the City under applicable federal, state, and local laws and regulations.
- (7) **Severability.** If any section, subsection, sentence, clause, phrase, or word of this Chapter is for any reason held illegal or invalid by any court of

competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.

4.2. RENEWABLE ENERGY

4.2.1. SOLAR POWER FACILITIES AND SOLAR POWER SYSTEMS

- A. **Scope.** The regulations set forth in this section shall only apply to wind and solar power facilities.
- B. **Purpose.** The purpose of this section is to provide regulations to minimize wind and solar power facilities' impact on the surrounding environment.
- C. **Definitions.**
1. **Solar Power Facility.** A device or structure, or series thereof, that provides for the collection of solar energy for electricity generation, together with all facilities and equipment, other than any facility or equipment owned by a public utility, as defined in TN § 65-4-101, located proximate to and in support of the operation of such electricity generation device or structure, including, without limitation, all underground and aboveground electrical collection, distribution, and transmission lines; inverters; transformers; substations; energy storage facilities; telecommunications equipment and communication lines; meteorological towers; maintenance yards; switchgear; fences; and foundations supporting other components of the solar power facility.
 2. **Solar Power Facility Agreement.** A lease or easement agreement for real property between a grantee and landowner for the construction, installation and operation of all or a part of a solar power facility on such real property that generates electricity primarily for use and consumption off the premises.
- D. **Applicability.**
1. Solar power facilities do not include a solar-generating device or structure that is less than ten megawatts (10 MW) in size, measured in alternating current at the point of interconnection to the electrical gride, unless the application of this part is expressly provided for in the solar power facility agreement.
 2. **Solar Power Facility Agreements.** All solar power facility agreements must adhere to the provisions of this Section.

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

- (1) Must provide, at a minimum, that the grantee shall, upon or prior to the expiration or termination of the solar power facility agreement, safely remove or cause the removal of all components of the solar power facility located on the premises, except for any electrical or communications lines buried more than three feet (3') below the surface grade of the land, and restore the land comprising the premises to, as near as reasonably possible, its condition as of the date of the commencement of construction of the solar power facility.
- (2) Must either contain or provide that the grantee shall deliver to the landowner a decommissioning plan detailing the grantee's plan for performing or causing the performance of the obligations *Section II.4.2(D)(2) Solar Power Facility Agreements*.
- (3) Must require the grantee to obtain and deliver to the landowner financial assurance in the following amounts to secure the performance of the grantee's removal and restoration obligations in accordance with this Section.
 - i. No less than five percent (5%) of the decommissioning cost on the date the solar power facility commences commercial operation;
 - ii. No less than fifty percent (50%) of the decommissioning costs on the tenth anniversary of the date the solar power facility commences commercial operation; and
 - iii. No less than the decommissioning cost on the fifteenth anniversary of the date the solar power facility commences commercial operation.
 - iv. Acceptable forms of financial assurance must be set forth in the solar power facility agreement and include one (1) or more of the following in the amount required in this subsection:
 - a. A surety bond;
 - b. A collateral bond;
 - c. An irrevocable letter of credit;
 - d. A parent guaranty;
 - e. Cash;
 - f. A cashier's check;
 - g. A certificate of deposit;
 - h. A bank joint custody receipt;

- i. An approved negotiated instrument
 - j. A combination of the forms of security.
 - v. A landowner has the right to expressly extend the date the financial assurance required by this subsection is first delivered to the landowner to no later than the fifteenth anniversary of the solar power facility commences commercial operation.
- (4) The solar power facility agreement does not prohibit a local government from regulating solar power facilities pursuant to its zoning authority, except a local government shall not impose removal or restoration obligations or require financial assurance securing such obligations that are more stringent than or additional to those provided for in this Section.
3. Site plan approval in accordance with *Section 1.4.6 Site Plans* is required prior to construction of a solar power facility.

E. Development Standards.

1. All solar power systems are permitted as accessory uses in all zoning districts and all solar power facilities shall be permitted uses in agricultural and industrial districts.
2. **Location.**
 - (1) Shall provide an upland buffer, with a minimum width of fifteen (15) feet and an average width of twenty-five (25) feet, where upland activities abut wetlands and shall be allowed to impact upland buffers and wetlands provided any impacts are offset by mitigation consistent with state, regional, and federal standards that have been determined by the appropriate state, regional, and federal agencies.
 - (2) Free standing solar arrays are permitted in rear or side yards only.
3. **Buffers.**
 - (1) Excluding security fencing, project signs, and access paths, no solar power facility structure, equipment, or building shall be located within fifty feet (50 ft) of the property line when abutting nonagricultural uses and twenty-five feet (25 ft) of the property line when abutting agricultural uses.
 - (2) Buffers shall not be required between abutting solar facilities.
4. **Setbacks.**

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

- (1) Setbacks shall adhere to the setback requirements of the underlying zoning district as outlined in *Section II.1.1 Zoning Districts*.

5. Wildlife.

- (1) All solar power facilities shall protect state or federally listed plant and animal species pursuant to the Tennessee Fish and Wildlife Commission (TFWC) or the United States Fish and Wildlife Service.

6. Landscaping.

- (1) Except for abutting residential uses, solar power facilities shall be exempt from all other landscaping requirements in *Section III.3 Landscape Standards*.
- (2) If existing native vegetation does not meet the requirement of this subsection, then supplemental native shrubs may be utilized to meet the vegetation requirement.
- (3) Plantings shall be of size and type which will allow the meeting of the fifty percent (50%) opacity requirement. Size and height shall be met no longer than thirty (30) months of the date of first planting.
- (4) Trees located in the right-of-way shall not be removed or damaged to create increased sun access.

7. Height. The following max height provisions shall apply.

- (1) Security fence: 8 feet
- (2) Project signs: 9 feet
- (3) Solar panels or modules: 15 feet
- (4) Buildings: 25 feet
- (5) Transmission lines, substations, and collector yards: No maximum height.

8. FAR. The area of the solar panels and the transmission lines shall be considered open space when calculating FAR and ISR.

9. Minimum parcel size. The minimum parcel size for a solar power facility shall be 20 acres.

10. Access. A minimum sixteen (16) foot wide access way, with twelve (12) foot wide access path shall be provided for access, maintenance, and operation of the site and all facilities.

11. Parking. Solar power facilities shall not be required to provide parking.

F. Removal.

1. All solar power facilities or solar power systems that have not been in use for a period of one (1) year must be removed from their site.

G. Building mounted solar power systems.

1. Panel arrays located on single-family residential structures shall not extend more than twelve (12) inches above the peak of any roof that is viewed from the street, nor shall they extend more than twelve (12) inches beyond any edge of the roof.
2. When panels are located along a flat roof, they shall not extend more than five (5) feet above the roof and shall be appropriately screened from the public right-of-way by the building's façade or similar mechanism.
3. When panels are incorporated into or attached to the walls of buildings, they shall be adequately glazed to prevent glare.

4.2.2. WIND ENERGY SYSTEMS

A. Development Standards.

1. All building mounted wind energy systems are permitted as accessory uses in all districts.
2. **Height.** The height of the wind energy system shall be measured from the base of the unit to the uppermost vertical extension of any blade or other part of the system.
 - (1) If the system is mounted on a tower, the height shall be measured from the grade to the highest point of mounting if an appurtenance.
 - (2) The lowest extension of any blade or exposed moving component shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty (30) feet of the base of the tower) and at least fifteen (15) feet above any outdoor surfaces intended for human use that are directly below the wind energy system.
 - (3) Building mounted wind energy systems shall not exceed fifteen (15) feet in height as measured from the highest point of the roof of the building, excluding chimneys, antennae, and similar appurtenances.
3. **Setbacks.** Wind energy systems shall be setback a minimum distance equal to 110% of the system's total height from any property line, public right-of-way, or overhead utility line.
 - (1) All minimum setback requirements of the underlying zoning district shall be adhered to.

- (2) **Building Mounted Wind Energy Systems.** The setback of any building mounted wind energy system shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines, measured from the furthest outward extension of all moving parts.
- 4. **Access.** All ground mounted electrical/control equipment shall be secured to prohibited unauthorized access.
- 5. **Signs.** All signs other than the manufacturer's, installer's, or owner's identification and adequate warning and safety signs are prohibited on any wind energy system.
- 6. **Noise.** Noise emanating from the operation of a building mounted wind energy system(s) shall not exceed, at any time, the lowest ambient noise level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of an abutting residential property or abutting parks, schools, hospitals, or churches.
 - (1) Noise emanating from the operation of a building mounted wind energy system shall not exceed, at any time, 5 dB over the lowest ambient noise level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of an abutting nonresidential property.
- 7. **Other Development Standards.**
 - (1) Wind energy systems shall not interfere with other communication systems, such as, but not limited to, radio, telephone, satellite, or emergency communication systems.
 - (2) All wind energy systems shall include an automatic braking, governing, or feathering system that prevents uncontrolled rotation, over speeding or excessive pressure on the wind energy structure, rotor blades, and other components.
 - i. The applicant shall provide proof that the wind energy system such braking, governing, or feathering system.
 - (3) No wind energy system shall be interconnected to the electrical grid without approval of MLGW. MLGW standards and regulations for interconnection shall apply to all facilities.
 - i. Off-grid systems (building mounted and small scale only) shall be exempt from MLGW standards and regulations so long as they are not connected to the utility grid.
 - (4) Guy wires are not permitted.

B. Design Standards.

1. **Lighting.** All wind energy systems shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA) or other government entity.
 - (1) If artificial lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings/lighting for the system.
2. **Appearance.**
 - (1) All wind energy systems and facilities shall be of a matte (non-reflective), non-obtrusive finish that blends in with the surrounding environment.
 - (2) All systems and their corresponding facilities shall be maintained in working condition free of rust.

4.2.3. WIND FARMS

A. Development Standards.

1. Large wind energy systems are permitted as principal uses in agricultural and industrial districts.
2. **Height.**
 - (1) Maximum 500 ft for each individual unit.
 - (2) The vertical distance from ground level to the tip of a wind turbine blade when the blade is at its lowest point shall be minimum seventy-five (75) feet.
3. **Setbacks.**
 - (1) Towers shall be setback minimum of 110% the tower's height from a property line.
 - (2) Towers shall be setback a minimum of 1,000 feet from abutting property lines.
 - (3) Towers shall be setback 150% of the tower height or 500 feet, whichever is greater, from any public right-of-way or overhead utility line.
4. **Separation.**
 - (1) Each individual wind tower shall be separated from other wind towers by a sufficient distance so as to not interfere with the individual operation of the tower.
 - (2) There is no limitation on quantity of individual wind towers located on a large-scale wind farm, so long as all the setback requirements and other limitations are met.

B. Other Development Standards.

1. Large wind energy systems shall be oh monopole design, not including any guy wires.
2. **Noise.** The noise generated from a large wind energy system shall not exceed 55dB as measured during any point on a non-participating property adjacent to the site.
3. Large wind systems shall be subject to any additional standards outlined by MLGW for interconnection purposes.

4.3. INCIDENTAL USES IN CONJUNCTION WITH WINERIES

A. Intent.

1. Specified incidental activities or uses in the AG District, as regulated by the requirements of this Section and other relevant City regulations, may be allowed, when in conjunction with a winery. These uses are not permitted in the AG District in the absence of a winery on the site, nor are they permitted to become primary uses on the site. These uses are indicated in *Table II.4.3. Summary of permitted incidental uses and activities when in conjunction with a winery, if a CUP is approved* and/or the definitions of this Section.
2. Wineries shall be permitted by right in the AG District, per TCA 6-54-126, and TCA 57-3-207. Such facilities shall comply with the Tennessee Grape and Wine Law, TCA 57-3-207, and are not regulated by this Section.

B. Location requirements for incidental uses in conjunction with wineries

1. If any non-winery activity or use occurs at a winery site, such as, but not limited to, special events, commercial uses, or the uses and events listed in *Table II.4.3. Summary of permitted incidental uses and activities when in conjunction with a winery, if a CUP is approved* of this Section, the site shall be accessible from the one of the following roadways or intersections:
2. The site shall obtain direct access from a highway, or from one of the following roads: Pleasant Ridge Road, Salem Road, Stewart Road, Long Rd, Brunswick Road, Old Brunswick Road, Canada Road, the North frontage of Monroe Rd., or the East frontage of Chambers Chapel Rd.
3. The site shall be prohibited from obtaining access located as follows:
 - (1) Site access points shall not fall within an area located within 1000' of the

intersections of Hwy 385 & Stewart Road, Hwy 385 & Brunswick Rd., Hwy 64 and Chambers Chapel Road, and I-40 & Chambers Chapel Rd., nor within 2,500' of I-40 and Canada Road, nor within any portion of a highway that is designated "limited access".

C. General requirements for incidental uses in conjunction with wineries

1. Incidental uses in *Table II.4.3. Summary of permitted incidental uses and activities when in conjunction with a winery, if a CUP is approved* *Table II.4.3. Summary of permitted incidental uses and activities when in conjunction with a winery, if a CUP is approved* of this Section may be permitted when in conjunction with a winery, via a Conditional Use Permit (CUP).
2. The hours of operation, intensity, building, bulk, extent, lighting, signage, noise, location of activities and events indoors or outdoors, maximum attendance, and other limits or standards of the portions of the development that includes and activities that are incidental to the winery, may be subjected to limits or requirements (beyond those of this Section) by the Board of Appeals at the time a conditional use permit is requested, when such limits or requirements are necessary to reduce or mitigate impacts on the public health, safety, and welfare, or on the existing or planned character of the neighborhood in which it is located. If so, such limits shall appear in a Plan of Operation.
3. Unless a Plan of Operation approved by the Board of Appeals establishes different requirements, the hours of operation for outdoor activities for the permitted incidental uses shall be limited to a maximum of:
 - (1) Sunday, Noon – 7pm
 - (2) Monday thru Thursday, 8am – 7pm Friday and Saturday, 8am – 10pm
 - (3) The Board of Appeals may establish hours that are either more restrictive or more lenient for each incidental use, as determined thru the conditional use process.
4. The permitted incidental uses shall comply with the bulk regulations and zoning standards of the C2 District, unless this Section indicates a different provision. A site plan approval is required, per *Section I.4 Process, Criteria, and Application*.
5. Facilities including paved parking, loading, buildings, staging, and event areas shall be located at least 50' from any residential ("R") or AG District lot that is adjacent.

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

6. A traffic study shall be required with any CUP request, if it is projected to generate over 96 new peak hour trips from any or all its combined activities. The City may require improvements identified as needed in the traffic study.
7. All applicable criteria in City regulations for subdivision, open space, site development, parking, architectural design, lighting, landscaping, screening, signage, and other City regulations shall be complied with, unless an alternate standard is provided in this Section, or unless variances are granted.
8. Applicable information from TDEC and The County Health Department shall be supplied with the required site plan, such as regarding drainage, sewer, water, and waste disposal.
9. The total acreage of a site with incidental uses associated with a winery, including the primary use (winery) and incidental uses, shall be a minimum of 10 acres.
10. The total building coverage for incidental uses shall not exceed 2 percent of the site area. The total gross floor area for incidental uses, shall not exceed 10,000 square feet.
11. The total attendance for all events occurring at the site at one time may not exceed 350 people.
12. All site activities shall exclude sexually oriented acts and businesses as defined by the City of Lakeland Sexually Oriented Businesses Ordinance.

D. Parking

1. If incidental uses are developed in conjunction with a winery, minimum parking requirements shall be provided for, including both the winery and incidental uses.
2. Except as provided in this Section, parking shall comply with *Section III.4 Parking, Loading, and Access Standards*. A minimum of one paved parking space per 300 sq. feet of building gross floor area for a tasting room, sales area, and buildings that accommodate the public, plus one parking space per employee is required. These minimum parking areas shall be paved by means of materials listed below.
 - (1) Unless excepted in this Section, all parking, loading facilities, and driveways shall be constructed using asphalt, concrete, or pavers that meet at least one of the following.
 - i. Paving materials with a Solar Reflectance Index (SRI) of at least 29.
 - ii. Semi-Pervious pavement, including permeable asphalt, concrete, or pavers.
 - (3) Material with a minimum recycled content of fifteen (15) percent.

- (2) Paved parking shall be located at least 50' from any residential ("R") or AG District lot that is adjacent. Parking areas that exceed the minimum number of required spaces indicated above may be included, but for paved portions, may not be more than double the minimum required number of spaces. Parking may defer required paving for up to six months after opening the associated facility if weather interferes with the completion of paving.
3. Additional parking (exceeding minimum requirements) may include gravel or other acceptable non-paved surface, if approved via a conditional use permit. Such non-paved parking shall not exceed one-half acre in size, shall be located at least 75' from any property line, and shall not be visible from any public street. Such non-paved parking areas shall require perimeter landscaping and may be exempted from interior lot landscaping.

E. Lighting

1. Lighting shall comply with *Section III.6 Site Lighting*, unless a more restrictive standard is required herein, or per a Plan of Operation approved by the Board of Appeals. Where the site abuts lots that are zoned agricultural or residential, or that have a rural or residential character, BOA may require that lighting be restricted or developed to correspond to standards that pertain to adjacent residential development and low activity development.

F. Noise

1. Outdoor music and/or small live performances may be permitted via a conditional use permit that allows for specific events of limited duration. Such a permit must provide specific information and proposed limits for the types of music, and how noise would be controlled as to location, frequency of occurrence, and noise level, for evaluation by the Board of Appeals (BOA). Musical or other performers and equipment shall be limited to a single central area on the site located within 75 feet of a building, and not shall not set up on a side of a building that is within 75' of a property line, when the performance occurs outdoors. Noise shall not be plainly audible at any property line. Noise must comply with the City of Lakeland ordinance pertaining to offenses against the peace and quiet.

G. Activity Summary

1. The uses and activities below may be permitted by CUP when they are associated with an operating winery, and when they comply with this Section. No other use is

permitted, unless otherwise allowed in the AG District (See *Table II.4.3. Summary of permitted incidental uses and activities when in conjunction with a winery, if a CUP is approved.*)

2. An incidental use shall occur only inside of buildings, unless one of the following is met, allowing it to occur outdoors:
 - (1) The definition of the incidental use in subsection H below permits the activity outdoors.
 - (2) The Plan of Operation approved by the Board of Appeals provides for additional outdoor activities within one of the incidental uses indicated as allowed in this Section.

H. Definitions

1. **Plan of operation.** A detailed plan for incidental uses, which provides specific descriptions, controls, and designs, as to how events and activities will be defined, and designed, for each incidental use. Such a plan shall attend to compliance with each requirement of this Section and other ordinances. It shall identify for each incidental use typical personnel needed, typical clientele, and shipping and receiving aspects. If necessary, mitigation for the impact of the proposed activities shall be included. Potential growth of the operation should be identified.
2. **Small live performance.** Live entertainment at an event on a single day which has a duration of no more than several hours, and which includes, but is not limited to, acts and shows such as comedy, poetry readings, and music. Small performances would not reach an attendance level which requires the use of overflow parking areas.
3. **Small Conference.** An event that includes meetings which may occur in one or more buildings at the winery site, including such rooms as meeting rooms, exhibition space, and with no overnight accommodations. Typical events would include, but not be limited to, conferences or retreats for the public, management or professional organizations, or service organizations. A small conference would occur over a period not to exceed five consecutive days and would not occupy more than 10,000 square feet of gross floor area. Catered meals are permitted.
4. **Small Club or Similar Event.** Includes a club, meet-up group, art show, or similar small event which is indoors or within the immediate grounds adjacent to buildings, which is on a single day, and which has a duration of no more than several hours.

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

Small club events would not reach an attendance level which requires the use of overflow parking areas. Catered meals are permitted.

5. **Wedding.** Includes a wedding rehearsal, catered rehearsal dinner, wedding reception, wedding ceremony, or other typically related functions. Activities are to occur inside of buildings, except for ceremonies, which may occur outdoors.
6. **Winery tour.** An educational activity that is permitted by right, and not regulated by this Section. This may occur in buildings, on the grounds, or in vineyards.
7. **Winery festival.** A festival that is defined and regulated in the Tennessee Grape & Wine Law, which is not regulated by this Section.
8. **Winery.** Any place or premises wherein wine crops are cultivated and produced, wherein wines are manufactured from any fruit or brandies distilled as the by-product of wine or other fruit or cordials compounded, which also includes a winery for the manufacture of wine, and which may include a small tasting room open to the public and incidental sales of wine accessories. A winery is considered an agricultural use.
9. **Wine.** The product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-one percent (21%) by volume. No other product shall be called wine unless designated by appropriate prefixes descriptive of the fruit or other product from which the same was predominately produced or an artificial or imitation wine.

SECTION 4 – SUPPLEMENTAL DISTRICT REGULATIONS AND SPECIAL
PROVISIONS
12/19/24

Table II.4.3. Summary of permitted incidental uses and activities when in conjunction with a winery, if a CUP is approved.

Conditional Use Permit at Board of Appeals Required	
Small live Performance	X
Small conference or retreats	X
Weddings	X
Small club or similar event	X
Non-paved overflow parking area for events	X
Brewery	X
All other non-agricultural uses	Not permitted

ARTICLE III – DEVELOPMENT AND DESIGN STANDARDS

1. ARCHITECTURAL STANDARDS	308
1.1. PURPOSES, APPLICABILITY AND EFFECT	308
1.2. NONRESIDENTIAL BUILDING DESIGN STANDARDS	309
1.3. NONRESIDENTIAL SITE DESIGN STANDARDS	317
1.4. NONRESIDENTIAL PEDESTRIAN CONSIDERATIONS	320
1.5. INDUSTRIAL BUILDING AND SITE DESIGN STANDARDS	321
1.6. MULTIFAMILY BUILDING AND SITE DESIGN STANDARDS	322
2. OPEN SPACE TYPE STANDARDS	328
2.1. PURPOSE AND INTENT	328
2.2. DEFINITIONS AND INTERPRETATIONS	329
2.3. GENERAL OPEN SPACE CATEGORIES & REQUIREMENTS	331
2.4. OPEN SPACE TYPES	335
2.4.1. SUMMARY OF OPEN SPACE REQUIREMENTS	335
2.4.2. CLOSE	336
2.4.3. POCKET PARK	336
2.4.4. GREEN	337
2.4.5. SQUARE OR PLAZA	338
2.4.6. PARK	339
2.4.7. LINEAR PARK/GREENWAY	340
2.5. OPEN SPACE REQUIREMENTS	341
2.5.1. GENERAL REQUIREMENTS	341
2.5.2. DEFINITION OF REQUIREMENTS	342
2.6. MINIMUM OPEN SPACE REQUIREMENT FOR DEVELOPMENT	343
3. LANDSCAPE STANDARDS	347
3.1. GENERAL REQUIREMENTS	347
3.2. INSTALLATION AND MAINTENANCE	351
3.3. MAINTENANCE OF PUBLIC PROPERTY AND UTILITY EASEMENTS	364
3.4. HAZARDOUS AND/OR NOXIOUS VEGETATION	365
3.5. NATURAL LANDSCAPE AREAS	367
3.6. RESIDENTIAL TREE CANOPY REQUIREMENTS	368
3.7. NON-RESIDENTIAL, ATTACHED HOUSE, AND MULTIFAMILY (EXCEPT MANUFACTURING), TREE CANOPY AND LANDSCAPE REQUIREMENTS	370
3.8. MANUFACTURING DISTRICT TREE CANOPY REQUIREMENTS	370
3.9. OPEN SPACE TYPE TREE CANOPY REQUIREMENTS	371

3.10. FRONTAGE BUFFER.....	371
3.11. SIDE AND REAR BUFFER.....	373
3.12. PARKING LOT LANDSCAPING	377
3.13. SCREENING OF OPEN STORAGE, REFUSE AREAS, AND UTILITY APPURTENANCES	381
3.14. LANDSCAPE REQUIREMENTS FOR THROUGH LOT LANDSCAPE EASEMENT	383
3.15. FENCES AND WALLS.....	384
3.16. TREE PRESERVATION AND MANAGEMENT	386
3.16.1. GENERAL REQUIREMENTS.....	386
3.16.2. PLANS AND SURVEYS	388
3.16.3. LANDMARK TREES.....	391
3.16.4. SPECIMEN TREES.....	393
3.16.5. STANDARD TREES	395
3.16.6. TREE BANK	397
3.16.7. VIOLATIONS	398
3.16.8. TREE PROTECTION SECURITY.....	399
3.16.9. TREE PROTECTION DURING CONSTRUCTION.....	400
3.16.10. MUNICIPAL TREE MANAGEMENT	404
3.16.11. APPEAL.....	409
4. PARKING, LOADING AND ACCESS STANDARDS.....	414
4.1 INTENT AND APPLICABILITY.....	414
4.2 PARKING REQUIREMENTS	416
4.3. ALTERNATIVE OFF-STREET PARKING STANDARDS	424
4.4. OFF-STREET PARKING STANDARDS	427
4.5. LOADING REQUIREMENTS	431
4.6. LOADING FACILITIES DESIGN STANDARDS.....	433
4.7. VEHICULAR STACKING REQUIREMENTS	434
4.8. SITE ACCESS	435
5. SIGNS	438
5.1. PURPOSES, APPLICABILITY AND EFFECT.....	438
5.2. GENERAL STANDARDS	439
5.3. NONCONFORMING SIGNS	446
5.4. CALCULATION OF SIGN AREA AND SIGN HEIGHT	447
5.5. PERMITTED SIGN TYPES.....	452
5.6. PERMITTED SIGN AREA AND NUMBER OF SIGNS.....	453
5.6.1. BUILDING SIGNS	453
5.6.2. FREESTANDING SIGNS	453
5.6.3. TOTAL NUMBER OF SIGNS	454
5.6.4. SPECIFIC STANDARDS	455

5.7. SIGNS EXEMPT FROM REGULATIONS	467
5.8. PROHIBITED SIGNS	468
5.9. DEFINITIONS	469
5.10. DESIGN CONSTRUCTION STANDARDS.....	476
5.11. PERMIT AND FEE	479
5.12. INSPECTION, REMOVAL AND SAFETY	482
6. SITE LIGHTING	484
6.1. INTENT, PURPOSE, AND APPLICABILITY	484
6.2. DEFINITIONS	485
6.3. SITE LIGHTING DESIGN STANDARDS	488
6.3.1. GENERAL REQUIREMENTS.....	488
6.3.2. TOTAL OUTDOOR LIGHT OUTPUT.....	490
6.3.3. HEIGHT	490
6.3.4. PARKING LOT LIGHTING.....	491
6.3.5. MINIMUM PERIMETER LIGHTING REQUIREMENTS.	493
6.3.6. CANOPY LIGHTING STANDARDS.....	493
6.3.7. PARK AND COMMON SPACE LIGHTING REQUIREMENTS.	494
6.3.8. LIGHTING PLAN REQUIREMENTS.....	494
6.4. PROHIBITED LIGHTING.	495
6.5. EXEMPTIONS.....	496
6.6. MIXED USE DEVELOPMENTS.	496



III.1

1. ARCHITECTURAL STANDARDS

1.1. PURPOSES, APPLICABILITY AND EFFECT

A. The purpose and intent of this Section is to provide minimum requirements for the design and configuration of multifamily (including triplexes and quadplexes), and non-residential (commercial, office and industrial) developments. These standards are intended to provide the City's expectations for the quality and appearance of certain development through the use of architectural designs, building features, exterior materials and colors, desirable design elements, and detailing. This Section is intended to provide flexibility in the development of compatible mixed uses and other non-residential areas. These standards are intended:

1. To encourage clustering of commercial (non-residential), multifamily and

1. Architectural Standards	308
1.1. Purposes, Applicability and Effect.....	308
1.2. Nonresidential Building Design Standards.....	309
1.3. Nonresidential Site Design Standards.....	317
1.4. Nonresidential Pedestrian Considerations	320
1.5. Industrial Building and Site Design Standards	321
1.6. Multifamily Building and Site Design Standards	322

- industrial activities within specifically designed areas and to discourage strip commercial development along major thoroughfares and non-commercial areas;
2. Provide for orderly development of commercial activities so that adverse impacts on adjacent property(s) and traffic flow can be limited; and
 3. Encourage an orderly and systematic development design providing rational placement of activities, parking, circulation, landscaping, pedestrian circulation, loading, and access.
- B. All figures, images, and rendered photographs are for illustrative purposes only; the text, dimensions and standards shall apply in all cases where there is a conflict.

1.2. NONRESIDENTIAL BUILDING DESIGN STANDARDS

- A. **Purpose and Intent.** The purpose and intent of this Section is to provide minimum requirements for building and site design. Non-residential design standards are additional standards intended to supplement the required zoning district development standards and specific use standards provided in this Code. This includes specific design and development standards within the Mixed Use which may reference “Build-To” zones, “Frontage Standards” (requirements) or similar.
1. These standards are intended to:
 2. Provide the City’s expectations for the quality and appearance of new development;
 3. Ensure high quality design through the use of design requirements including architectural components, building features, exterior materials and colors, desirable design elements, and detailing;
 4. Feature appropriate levels of building articulation, transparency, and design elements;
 5. Screen loading and delivery areas and mechanical use areas, including those on roofs;
 6. Encourage ground floor activity and pedestrian friendly design for pedestrian comfort and activity; long expanses of inactivity are strongly discouraged; and
 7. Require standards for building design that are appropriate to context and location.
- B. **Applicability.**

1. All new buildings and sites shall comply with the standards of this Section unless specifically exempted in subsection (D) below.
2. Development existing prior to the adopted date of this UDO, as well as redevelopment of buildings established prior to the adopted date of this UDO, are encouraged but not required to comply with these standards, unless required by subsection (C) below.
3. Overlays and/or designated architectural review districts may have separate design and development standards including but not limited to application and review processes. Where such standards are adopted, those standards shall prevail.

C. Repairs, Renovations, and Additions.

1. A building may be repaired or renovated without complying with the requirements of this Section, provided there is no increase in gross floor area. When a building or site is increased in gross floor area or improved site area by greater than twenty-five (25) percent, both the additional building and/or site area must conform to the standards of this Section.
2. Notwithstanding any standards of this Section to the contrary, any additions to a building which is constructed in compliance with the standards of this Section may continue the design of the existing building, including building materials, colors, textures, architecture, roofs, façades, and other detailing.

D. Exemptions. The standards of this Section shall not apply to the following:

1. New non-residential buildings less than five-thousand (5,000) square feet.
2. Development located in the Industrial zoning district (see *Section III.1.5 Industrial Design Standards*).
3. Conversion of a building from one (1) permitted principal use to another permitted principal use.

E. Required Design Elements. The following design elements, which promote a high-quality development or redevelopment, are required for all buildings:

1. Consistent architectural style, detail and trim;
2. Facades which break down large elements of mass and scale where appropriate;
3. Architectural details and articulation;
4. Material changes reflective of function and appropriately placed;
5. Canopies, porches, stoops, roof overhangs or other pedestrian friendly features;
6. Shade and weather protection for ground floor entrances;
7. Design elements such as cornice lines, columns, arches; and

8. Various fenestration and transparency elements.

F. **Prohibited Design Elements.** The following design elements, which do not promote high quality development or redevelopment, are prohibited:

1. Large, unarticulated blank wall surfaces;
2. Exposed and untreated block walls;
3. barbed wires;
4. Mirror window glazing;
5. False fronts;
6. Loading bays or loading doors;
7. Lack of architectural features; and
8. Lack of change in materials.

G. **Overlays.** Buildings and sites located within defined overlays as identified in *Section II.3 Overlay Requirements* and the official zoning map shall conform to the adopted standards of the Overlay except where otherwise noted. Where there exists a conflict, the standards of the overlays shall govern.

1. **Images.** This Section Utilize figures, images, and rendered photographs for illustrative purposes only; the text, dimensions and/or standards shall apply in all cases where there is a conflict.
2. **Nonresidential Building Design Standards.** These standards provide the City's expectations for the quality and appearance of new buildings through the use of architectural designs, building features, exterior materials and colors, desirable design elements, and detailing.

Figure III.1.1 Facade with Multiple Materials



- H. **Façade Colors.** Building façade colors shall help unify buildings within a development. Building façade colors should be similar and consistent within a development. Building colors shall comply with the following standards:
1. Primary colors shall be earth tones, muted, subtle, or neutral colors. Neon colors are prohibited. Exterior color schemes that attract undue attention, or that cause the building to appear as a sign or advertisement, are not permitted.
 2. Accent colors and colors on details and trims may be of brighter hue and variation than façade colors.
 3. Color should be integral to the materials. The use of complementing hues is required where painted or applied finishes are utilized.
 4. Traditional and standard franchise colors shall also comply with this Section.
- I. **Façade Design.** Building facades shall be designed with a consistent architectural style, detail, and trim. All sides of a building shall require architectural detailing and windows that complement the primary façade. Facades greater than one-hundred (100) feet in length shall require a repeating, consistent pattern of change in color, texture, and material. Facades shall comply with the following additional standards:
- J. **Vertical Mass.** The vertical mass of multistory buildings shall be visually broken at each story with architectural detail and articulation of at least one (1) foot in the vertical direction. Illustrated as “A” in *Figure III.1.2 Façade Design*.
- K. **Roof Lines.** To limit box-like building forms, roofs shall include differing planes, pitches, forms, heights, or materials that are distinct from one another. Roof lines shall not exceed a linear distance of one-hundred (100) feet without the introduction of a physical articulation. Illustrated as “B” in *Figure III.1.2 Façade Design*.
- L. **Horizontal Mass.** Building facades shall not exceed a linear distance of thirty-five (35) feet without the introduction of a physical articulation no less than one (1) foot wide and extending in a horizontal direction along the façade. Illustrated as “C” in *Figure III.1.2 Façade Design*.
- M. **Wall Offsets.** Facades of 60 or greater feet in width shall incorporate wall offsets of at least one (1) foot of depth a minimum of every forty (40) feet. Illustrated as “D” in *Figure III.1.2 Façade Design*.

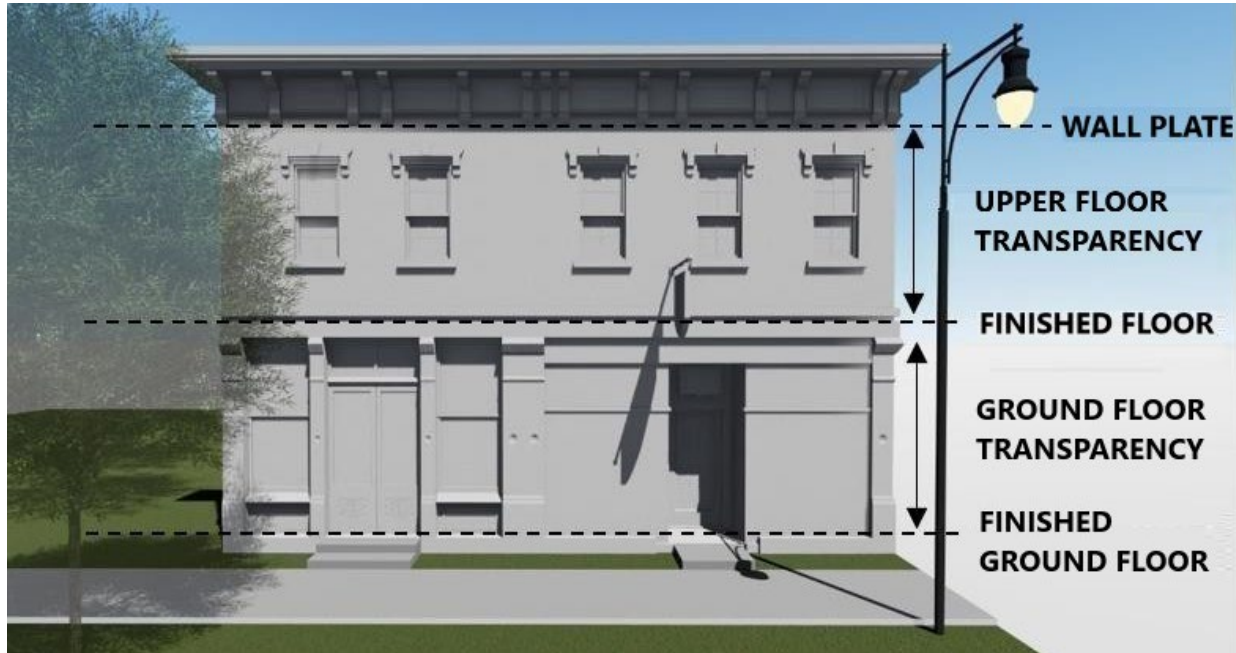
Figure III.1.2 Façade Design



A-D	Façade Standards Illustrated
A	Vertical Mass
B	Roof Lines
C	Horizontal Mass
D	Wall Offsets

- A. **Façade Transparency.** Building shall be designed to have a minimum transparency, through the use of windows and doors, on ground and upper floors as illustrated in *Figure III.1.3 Transparency* applies to all sides of a buildings facing a public and/or private street. Transparency shall not be required for service areas, loading/unloading areas, or those areas not visible from the public and/or private street.
- B. **Ground Floor Transparency.** Ground floor transparency shall be calculated based on the total façade area located between the finished ground floor level and beginning of the upper floor. All ground floor transparency shall be a minimum thirty (30) percent, unless stated otherwise in this UDO.
- C. **Upper Floor Transparency.** Upper floor transparency is calculated based on total façade area located between the surface of any floor to the surface of the floor above it. If there is no floor above, then the measurement shall be taken from the surface of the floor to the top of the wall plate. All upper floor transparency shall be a minimum twenty (20) percent unless stated otherwise in this UDO.

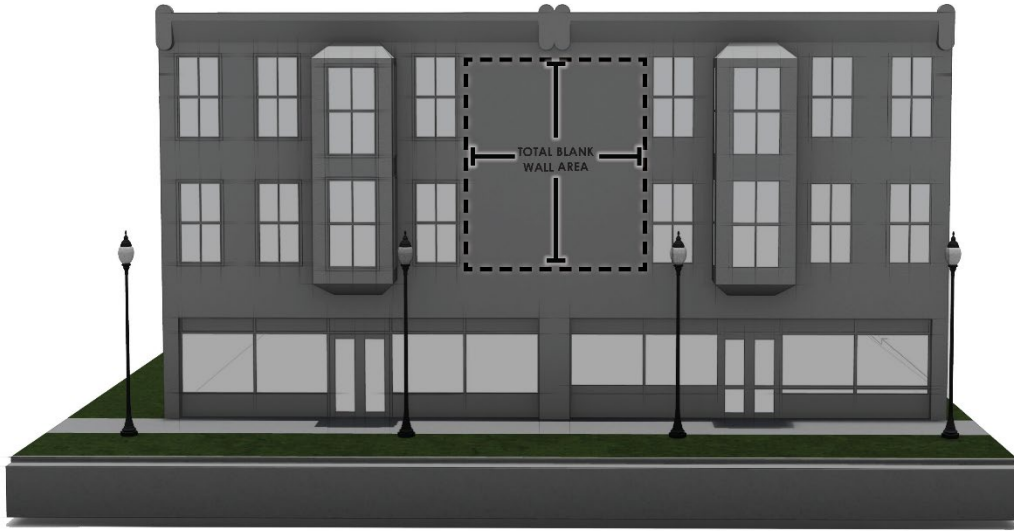
Figure III.1.3 Transparency



D. Building Blank Wall Area. Buildings shall be designed to limit blank wall areas. Blank wall areas are portions of an exterior façade that do not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change. Blank wall area shall be limited in building designs and comply with the following standards:

1. Paint is not considered a substantial material change.
2. Blank wall area applies in both a vertical and horizontal direction and applies to ground floors and upper floors.
3. The maximum continuous blank wall area for any building shall be a maximum fifty (50) square feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change, unless explicitly stated elsewhere in this UDO.
4. When necessary to meet Fire Code requirements, blank wall area requirements may be waived by the Director.
5. Alternatively, where a facade faces adjacent residential uses, an earthen berm may be installed in lieu of meeting these requirements. The berm shall be no less than six (6) feet in height and contain, at a minimum, a double row of evergreen or deciduous trees, planted at intervals of fifteen (15) feet on center.

Figure III.1.4 Blank Wall Area



- E. **Roof Design Standards.** Building rooflines that face a street or public right-of-way shall not exceed a linear distance of one-hundred (100) feet without the introduction of a physical articulation of no less than one (1) foot in the vertical direction, gable, or building projection.
- F. **Rooftop Equipment.** Publicly visible mechanical equipment or stacks shall be screened from public view.
- G. **Parapets.** Parapets may extend thirty-six (36) inches above the roof line. Mansard are prohibited.
- H. **Roof Treatments.** Roofs shall have architecturally significant roof treatments including, but not limited to, cornices, brackets, roof overhangs, and textured materials. Compatible color materials are required.
- I. **Entries.** Entrances should be differentiated architecturally to create a sense of human scale.
 - 1. Architectural elements like openings, sills, bulkheads, columns, and other architectural features should be used to establish human scale at the street level.
 - 2. All commercial and mixed-use buildings should accommodate active street level uses on all pedestrian-oriented frontages.
 - 3. Large buildings fronting multiple streets should provide multiple entrances.
- J. **Buildings on Corners.**

1. Buildings that exist on a corner lot shall incorporate additional architectural features, utilize massing techniques, or implement other features to emphasize their prominent location and create a visual assist to turn the corner.
2. Corner buildings should utilize massing techniques and architectural treatments to create an inviting pedestrian environment where a building wraps a street corner.

K. Street Walls.

1. Where surface parking lots or drive aisles abut a public street right-of-way (or sidewalk), a street wall shall be required on the setback line or edge of parking lot pavement. Street walls are required alongside boundaries of drive aisles along drive-through lanes. A design alternative may be requested for a hedge or other similar design feature(s).
2. Street walls shall be constructed of brick, masonry, stone, wrought iron or other solid decorative materials. Wood, fencing, and chain link shall not be considered permitted materials for a street wall.
3. Street walls shall be a minimum three (3) feet and a maximum four (four) feet in height.
4. Breaks in street walls may be permitted to allow for pedestrian or vehicular access, or tree protection.

Figure III.1.5 Street Walls



1.3. NONRESIDENTIAL SITE DESIGN STANDARDS

- A. **Building Siting.** Buildings shall be sited so that they support a walkable public realm and are generally aligned and compatible with one another. Parking should be placed to the side or rear of buildings. Furthermore, building siting shall comply with the following:
1. Large-scale, single-use buildings should be located behind or above habitable street front space and outparcel buildings. This shall not apply to industrial development.
 2. Spaces between buildings on outparcels or pad sites shall include enhanced pedestrian features or amenities such as plazas, paver walkways, seating areas, and gathering places in addition to off-street parking spaces.
 3. Outparcel buildings, to the maximum extent practicable, shall be clustered along the street in order to define street edges and entry points, and promote a pedestrian scale. Outparcel buildings should help define street edges, development entry points, and spaces for gathering between buildings.
 4. Outparcel buildings shall include a consistent level of architectural detail on all sides of the building and consist of similar exterior materials and compatible colors of the primary building in the development.
 5. Buildings shall be located to break up the site into a series of smaller blocks defined by streets and pedestrian walkways, and to frame and enclose parking areas, outdoor dining areas, and/or gathering spaces for pedestrians between buildings.
 6. If a parking lot separates the principal building from an outparcel building, a pedestrian path/sidewalk shall be provided connecting the two through a direct link as illustrated in *Figure III.1.6 Outparcel Buildings and Parking*.
 7. Outparcel buildings shall be placed as close to rights-of-way as possible and limit surface parking between the building and street.

Figure III.1.6 Outparcel Buildings and Parking



B. Multi-Building Developments.

1. Sites comprised of multiple buildings shall be configured such that no more than sixty (60) percent of the provided off-street parking shall be located between a building's primary building façade and the street it faces, unless the principal building(s) and/or parking lots are screened from view by outparcel development.
2. Buildings within multiple-building developments shall be clustered to maximize organized open space opportunities.
3. Developments with multiple buildings shall break up the development area into a series of distinguishable smaller blocks which include on-site streets, vehicle accessways, pedestrian walkways and features, and provide interior circulation.
4. Buildings that abut streets shall be oriented parallel to the street. Buildings shall not be oriented at an angle to the street.

Figure III.1.7 Outparcels and Multi-Building Development



C. Internal Connections. Within developments including the construction of new streets, an interconnected network of streets shall be provided. Streets shall connect to adjacent existing streets outside of the development.

D. Accessory Facilities.

1. Uses, structures, and mechanical equipment that are accessory to the principal building (i.e., loading and unloading areas, trash collection areas, maintenance and storage, and mechanical equipment areas) shall be incorporated into the overall design, architecture, and landscape of the development.
2. Colors and materials used in accessory uses and structures shall be consistent with the principal structure.
3. Visual impacts of these areas shall be fully contained and out of view from streets and public rights-of-way.
4. Accessory structures shall not exceed the height of the principal structure.

E. Architectural Styles.

1. In developments with multiple buildings, a consistent level of architectural style shall be maintained.

2. Where dissimilar architectural styles are required, building designs shall be made more consistent through the use of consistent architectural features, similar scale and proportions, and consistent location of signage.

1.4. NONRESIDENTIAL PEDESTRIAN CONSIDERATIONS

- A. **Sidewalks.** Sidewalks shall be designed in accordance with the City of Lakeland Engineering Manual in width and shall be provided in the following locations:
 1. Along any street-facing side(s) of any lot that abuts any roadway, including private roadways.
 2. Along any façade(s) abutting public parking areas and along any facades featuring a customer entrance.
 3. ML Zoned properties are exempt from this requirement except where adjacent to an existing sidewalk.
 4. The Director or their designee shall have the ability to waive this requirement based on adjacent, existing development including improvements (i.e., existing location and condition of the sidewalk system).
- B. **Pedestrian Crossings.** Street crossings, also referred to as a crosswalk, shall be required whenever a walkway intersects a vehicular area; and/or a pedestrian walkway intersects a vehicular area within a development or along its frontage. Crossings dedicated for pedestrians within vehicle use areas shall be marked in accordance with state and federal law and designed to draw special attention to alert vehicles to its location through:
 1. Physical articulations such as bump-outs;
 2. Signage or crossing light/notification mechanisms;
 3. Change in materials;
 4. Colored paint;
 5. Grade change; and/or
 6. A combination of these elements.

Figure III.1.8 Pedestrian Crossing



C. **Design Alternative.** If site constraints make the standards of pedestrian access impractical, the Director may approve a design alternative in which the main primary entrance does not face the right-of-way provided the following standards are met:

1. The main building entrance, when not facing the right-of-way, shall provide a safe and convenient access for pedestrians from the main building entrance to the right-of-way. The pedestrian way must provide additional landscape amenities.
2. Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.
3. Ground floor windows or window displays shall be provided along at least ten percent (10%) of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall. Customer entrances must have weather protection features, such as awnings, arcades, or vestibules.

1.5. INDUSTRIAL BUILDING AND SITE DESIGN STANDARDS

- A. **Industrial Design Standards.** Due to the nature of industrial uses, only limited design standards are required for buildings housing industrial uses.
- B. **Blank Wall Length.** Blank wall lengths greater than one-hundred (100) feet or twenty-five (25) percent of the building length for facades visible from the public ROW,

whichever is greater, shall require the introduction of physical articulations or material change.

- C. **Lighting.** Industrial use buildings and required parking areas shall not exceed a maximum of thirty (30) feet fixture height and 0.5 foot-candle intensity at the perimeter boundary.
- D. **Equipment and Loading Areas.** Equipment and loading areas shall comply with the following standards:
1. Cooling towers, HVAC and ventilation fans, mechanical units, etc., shall be either screened using a pitched roof façade, parapets, or constructed adjacent to the building and properly screened from view by either landscaping or the use of similar building materials.
 2. Ground-mounted equipment and mechanical equipment visible from a public right-of-way shall be screened from view by an opaque wall, landscaping, or combination thereof.
 3. Except where regulated otherwise, walls and landscaping shall have a minimum opacity of eighty-five (85) percent and shall be the height of the equipment or facility plus six (6) inches.
 4. Where the configuration of the building or site makes it impractical to locate the loading areas in the rear of the building, front or side loading areas may be proposed with additional screening or landscape requirements.
- E. **Prohibited Elements.** The following design elements are prohibited:
1. Reflective surfaces;
 2. Exposed and untreated block walls; and
 3. Barbed wire, unless required by law for security or safety purposes.

1.6. MULTIFAMILY BUILDING AND SITE DESIGN STANDARDS

- A. **Intent and Applicability.** Multifamily buildings and sites are unique and require distinct design standards. The design standards of this subsection shall be required for all new multifamily buildings and developments. Single family uses, including townhouses or attached single family, are exempt from these standards except where otherwise noted and or located within an overlay or designated district. Multifamily design standards intend to:
1. Promote and enhance pedestrian scale;

2. Feature appropriate levels of building articulation, transparency, and design elements, per the standards of this Section;
 3. Limit undesirable design elements and promote desirable design elements, as defined in these Regulations;
 4. Screen loading and delivery areas and mechanical use areas, including roof top equipment; and
 5. Position primary entrance of a building toward a street.
- B. **Prohibited Design Elements.** Prohibited design elements include the following:
1. Large, unarticulated blank wall surfaces;
 2. Exposed and untreated block walls;
 3. False fronts; and
 4. Designs which lack of architectural features and/or change in materials.
- C. **Required Design Elements.** Design elements that promote a high-quality development or redevelopment include the following required design elements which shall be included for all multifamily buildings subject to this Section:
1. Consistent architectural style, detail and trim;
 2. Facades which break down large elements of mass and scale;
 3. Architectural details and articulation;
 4. Material changes reflective of function and appropriately placed;
 5. Canopies, balconies, porches, stoops, roof overhangs;
 6. Shade and weather protection for ground floor entrances;
 7. Design elements such as cornice lines, columns, arches; and
 8. Various fenestration and transparency elements.
- D. **Architectural Variability.** The standards below are intended to prevent developments where dwellings appear identical or very similar. A row (i.e., two (2) or more dwellings in a row, including attached townhomes) of identical or near-identical buildings along a block or across the street along a block are prohibited. Buildings shall have varied and distinctly different facades within any phase of development. Residential buildings may qualify as distinctly different if two (2) of the following standards are met:
1. Variation of color, and not a variation of hue, shall be required and may count toward meeting the requirement of distinctly different facades;
 2. Variation in exterior materials and utilization of materials on facades may count toward meeting the requirement of distinctly different facades;

3. Variation of habitable space within a dwelling by five-hundred (500) square feet or more;
4. Change in roof materials; or
5. Variation in number of building stories.

E. Building Orientation and Placement.

1. Multifamily buildings which abut streets shall be required to be oriented parallel to the street.
2. Developments with several multifamily buildings shall cluster buildings along streets or internal rights-of-way to allow for enhanced open space and recreation areas within the area of the development.
3. Developments with several multifamily buildings shall ensure no more than sixty (60) percent of the off-street parking area for the entire property is located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by outparcel development.

F. Building Facades. Building form design shall take into account mass, scale, and articulation. Building facades shall be designed with consistent architectural style, detail, and trim features. Facades which face a street shall provide at minimum four (4) of the following elements:

1. A change in plane, such as an offset, reveal, or projecting rib. Such plane projections or recesses shall have a width of no less than six (6) inches (columns, planters, arches, voids, etc.);
2. Architectural details such as raised bands and cornices;
3. Integrated planters that utilize landscaped areas for decorative details;
4. Awnings and or arcade;
5. Covered porches, terraces, lanais, or balconies intended for private use by residents of the multifamily structure;
6. Shutters;
7. Pillars or posts;
8. Bay windows;
9. Roof eaves of at least three (3) inch wide trim
10. Complementary change in color; and/or
11. Complementary change in material/texture.

G. Transparency.

1. Building facades shall be designed to have a minimum level of transparency, through the use of windows and doors, on ground floor and upper floors. Transparency standards shall apply to all sides of buildings facing a public and/or private street except where otherwise modified due to safety and security considerations.
2. Transparency shall not be required for service areas, loading/unloading areas, or those areas not visible from the public and/or private street.
3. The minimum transparency for multifamily buildings is thirty (30) percent, unless stated otherwise in this UDO.

H. **Blank Wall/Articulation Standards.** Blank wall area is understood to be an undesirable design feature and shall be limited as follows. Blank wall area standards shall apply to the front and sides of buildings or any portion of a building fronting a residential area or public or private street, and shall comply with the standards below:

1. Blank wall area is the portion of an exterior façade that does not include windows, doors, columns, pilasters, architectural features greater than one (1) foot in depth, or a substantial material change. Paint shall not be considered a substantial material change.
2. Blank wall area applies in both a vertical and a horizontal direction of the building façade and applies to ground floors and upper floors.
3. The maximum continuous blank wall area shall be a maximum thirty-five (35) square feet without a break by windows, doors, architectural features greater than one (1) foot in depth, or a substantial material change.
4. Except as otherwise regulated, the maximum permitted blank wall length for the rear of buildings shall be one-hundred (100) feet, or twenty-five (25) percent of the building length, whichever is less.

I. **Entrances.**

1. A street facing facade and main building entry shall face the right-of-way. Additional entrances are encouraged facing parking lots, plazas, and adjacent buildings.
2. Buildings adjacent to public rights-of-way shall have at least one (1) entrance providing access to the right-of-way. This entrance shall remain in operation and shall not be closed off to residents.
3. Separate entrances to units above the ground floor shall be prohibited from being visible from street rights-of-way.

4. All multifamily development and redevelopment shall provide no less than three (3) of the following design elements for building entrances:
 - (1) A change in plane indicating a building entrance;
 - (2) Building wall projection;
 - (3) Recess of entry at least three (3) feet;
 - (4) Architectural features and fenestration;
 - (5) Variety in color, material, or texture orienting pedestrians to the entrance;
 - (6) Ornamental doors;
 - (7) Covered entries including awnings, arcade or eave;
 - (8) Windows;
 - (9) Porches;
 - (10) Arches, columns, stoops, cornices.

J. Porches/Balconies.

1. Porches, including covered porches, stoops, awnings, and bay windows and wings may only extend into the front yard up to five (5) feet. Encroachments may be permitted up to fifty (50) percent of the total length of the respective façade.
2. Balconies shall project or recess a minimum of three (3) feet from the façade.

K. Accessory Structures. All accessory structures for multifamily buildings and/or developments shall comply with the following standards:

1. Garages, carports, or covered parking areas shall be provided from local streets or alleys. Entrances to parking garages are exempt from this standard and may be accessed from street rights-of-way, alleys or internal courtyards or accesses.
2. Accessory structures shall have similar exterior materials, colors, and roof forms as the principal structure.

L. Other Requirements.

1. All utility equipment (including meters and conduits) attached to a building shall be painted to match the primary surface color of the wall on which it is attached, painted to match accent colors used on the façade, or be blocked from view (where practicable) through the use of landscaping or screens.
2. Downspouts shall be painted to match the primary surface color of the wall on which it is attached, be painted to match accent colors used on the façade or be constructed of materials that complement the architectural style of the structure.
3. Roofing materials should complement the color and texture of the building façade.
4. Refuse collection areas shall be distributed evenly throughout multiple building multifamily developments.

5. Internal storage space or lockers for bicycles, strollers, and other similar items are encouraged and should be provided close to the entries of the building.



III.2

2. OPEN SPACE TYPE STANDARDS

2.1. PURPOSE AND INTENT

A. **Purpose and Intent.** The purpose of this Section is to require open space that provides preservation of natural features, ensures access to open areas, provides active and passive recreational opportunities, adds to the visual character of a development, and provides other public health benefits. Further, this Section intends to:

1. Define minimum open space requirements;
2. Require for maintenance and upkeep of open spaces;
3. Promote open space that is accessible to the public where appropriate; and Expand opportunities for connectivity and quality of open spaces provided in the City.

(1) **Applicability.** The standards outlined apply to all new

2. Open Space Type Standards.....	328
2.1. Purpose and Intent.....	328
2.2. Definitions and Interpretations	329
2.3. General Open Space Categories & Requirements	331
2.4. Open Space Types	335
2.5. Open Space Requirements.....	341
2.6. Minimum Open Space Requirement for Development.....	343

development and redevelopment in the City.

4. **Repair or Renovation.** A building may be repaired or renovated without requiring open space provided there is no increase in gross floor area.
5. **Minor Adjustment.** When a building or site is increased by fifteen (15) percent or less not to exceed 5,000 square feet, except where otherwise approved by the Planning Director open space is required only for the additional floor area or improved site area. Improved site area shall include site improvements such as utility installations, landscape modifications, additional impervious surfaces (including parking), and/or construction of structures.
6. **Major Adjustments.** Adjustments exceeding the standards in *Section III.2.1(A)(5) Minor Adjustment.* above, open space must be provided for the total of the entire property. Improved site area shall include site improvements such as utility installations, landscape modifications, additional impervious surface (including parking), and/or construction of structures.
7. **Change in Use.** A change in use shall not require compliance with this Section.

B. Exemptions.

1. **Single-Family.** Development or redevelopment of individual single-family dwellings, not part of a new subdivision approval, are exempt from the standards of this Section.

2.2. DEFINITIONS AND INTERPRETATIONS

A. Definitions. The following definitions are understood to be provided specific to this Section.

1. **Minimum Size.** The minimum overall size of the open space is the area measured within the Parcel lines of the district.
2. **Maximum Size.** The maximum size of the open space is the area measured within the Parcel lines of the district.
3. **Minimum Dimension.** The minimum length and width of the open space is measured along the longest two (2) straight lines intersecting at a right angle within the Parcel.
4. **Open Space Scale.** Open space may consist of a variety of different scales. For the purpose of this Section, open space scales shall be defined as small, medium, and large. The acreage requirements for each open space scale are defined in *Table III.2.1 Open Space Scale.*

Table III.2.1 Open Space Scale

Open Space Scale	Acreage (Range)
Small	250 SF – 1.0 Acres
Medium	1.0 Acres – 2.5 Acres
Large	2.5 Acres or More

5. **Minimum Percentage (%) of Vehicular Right-of-Way Frontage Required.** The minimum percentage of the Open Space Type's perimeter, as measured along the exterior Parcel line and located directly adjacent to a vehicular Right-of-Way, excluding Alley frontage. This requirement provides access to the open space.
6. **Adjacent Parcels.** Parcels directly adjacent to as well as directly across the street from an Open Space Type.
 - (1) **Districts Permitted on Adjacent Parcels.** The Zoning Districts permitted directly adjacent to as well as directly across the street from open space. Refer to *Section II.1 Zoning Districts*.
 - (2) **Frontage Orientation of Adjacent Parcels.** The preferred orientation of the adjacent Parcels' frontages to the Open Space. Front, Corner Side, Side, and Rear refers to the Property Line either adjacent to the Open Space or facing the Open Space across the street.
7. **Improved Trail.** An improved trail shall be defined as a clearly marked, paved, impervious trail.
8. **Primitive Trail.** A primitive trail shall be defined as an unpaved, pervious trail that consists of mulch, crushed stone, or similar material.
- B. **Multi-Phased Developments.** In multi-phased developments, open space shall be provided for each phase in an amount sufficient to satisfy the open space requirements for the subject phase of development and all preceding phases of development, except where otherwise approved as part of a development application. Where open space is required but may be impacted by future phases, the Director may allow for implementation of the open space at a later date providing said open space is secured by a bond or other form of security.
- C. **Areas Not Included in Open Space.** The following are not considered open space and cannot be counted toward minimum open space requirements:
 1. Private yards including those within single family residential lots, not part of an open space or conservation easement;

2. Street rights-of-way or private easements, including Landscape Verge, Major Collector Medians, or similar;
3. Vehicular parking areas;
4. Areas providing entry signage; and
5. Designated outdoor storage areas.

D. Additional Open Spaces Allowances.

1. **Stormwater.** A maximum twenty-five (25%) of total required open space may be stormwater facilities. Only wet stormwater facilities may be counted toward this requirement. Dry pond facilities shall not be counted toward this requirement. Any stormwater facility used toward such requirement shall be publicly accessible and must be a public edge, through improved or primitive trails.
2. **Environmentally Sensitive Lands and Floodplains.** A maximum thirty percent (30%) of total required open space may be environmentally sensitive lands such as wetlands, protected stream buffers, and floodplains. Note, this does not preclude the granting of density credit for these types of lands within a project.
3. **Ponds and Lakes.** A maximum of five percent (5%) of total required open space may be ponds and lakes not associated with stormwater retention if at least twenty-five percent (25%) of the shoreline is a public edge. Public access shall be provided that is equivalent to the access provided to private landowners around the lake.

2.3. GENERAL OPEN SPACE CATEGORIES & REQUIREMENTS

The following requirements apply to all zoning districts.

- A. **Intent.** The following defines the basis for intent to require an adequate amount and mix of Open Space for new Subdivision development.
1. TN Code Title 13, Chapters 4 and 7, and Title 6, Chapter 19, enable requirements for adequate open spaces, parks, greenways, public grounds, green spaces, stormwater facilities, landscaping, and planting of shade trees, whether publicly or privately owned.
 2. The natural resources assessment component of the Comprehensive Plan places value on open spaces with forest cover, mature native trees, lakes, streams, wetlands, wildlife habitat, rolling terrain, and their environmental, scenic, and community character, as well as the quality-of-life benefits of the conservation and

connection of such open spaces.

3. The recreation, greenways, and bicycle- pedestrian components of the Comprehensive Plan impact quality of life by providing for anticipated demand for recreation, fostering activity, fostering a family- friendly atmosphere, providing opportunities for relaxation, social interaction, and entertainment, protecting natural areas, connecting facilities to natural areas, and by increasing property values.
- B. Categories of Open Space.** The following is a list of open space categories that may be required.
1. **City-Wide Parks and Greenways.** Refer to the current Comprehensive Plan and Recreation Master Plan for definitions of and requirements for city-wide parks and greenways, including off- street paths and trails.
 2. **Streamside Management Buffers.** Refer to the *Section IV.4 Streamside Management Buffers*
 3. **Scenic Corridor Buffers.** Refer to Street Types, *Section IV.1.6.7 Scenic Corridor*.
- C. Designation for Categories of Open Space.** To count towards open space requirements, each open space category shall be designated as follows on the Preliminary and Final Plat.
1. **Neighborhood Scale Open Space.** Designate as District GG or OR per *Section III.2 Open Space Type Standards*.
 2. **City-Wide Parks and Greenways.** Designate as District GG or OR per *Section III.2.4 Open Space Types*.
 3. **Conservation Areas.** Designate as District CON per *Section II.1.3.5(C) CON: Conservation*.
 4. **Streamside Management Buffers.** Designate as District CON.
 5. **Scenic Corridor Buffer.** For Scenic Corridor zone CON.
- D. Requirements for each Open Space Category.** The following specific requirements shall be met in addition to the general requirements.
1. **Neighborhood Scale Open Space Requirements.** Refer to permitted open space districts (*Section II.1 Zoning Districts*)
 - (1) Streamside Management Buffers, Conservation Areas and Scenic Corridor Buffers shall be not utilized to meet these requirements.
 - (2) Parcels less than Fourteen (14) acres. Parcels less than fourteen (14) acres with Conservation Area A or B totaling greater than ten (10) percent of the Parcel, have no Neighborhood Scale Open Space Requirements.

- (3) **Mix of Types.** A mixture of Open Space Types shall be used to meet the Neighborhood Scale Open Space Requirements. When more than three (3) Neighborhood Scale Open Spaces are required, no Type shall be used more than twice.
2. **City-Wide Parks Requirement.** Refer to the current Recreation Master Plan (part of the Comprehensive Plan) for city-wide parks requirements.
- (1) Each development that includes residential Zoning Districts shall utilize the following:
- i. **Parkland Dedication Formula.** Each residential subdivision shall utilize the parkland dedication formula in Appendix A City of Lakeland Fee Schedule of the Lakeland Municipal Code for a parkland dedication requirement to determine whether a dedication of park land or payment-in-lieu of park land is required.
 - ii. **Small Park Land Result.** In no case shall land be accepted which results in a dedicated park that comprises less than 5 acres. If calculations are for a land amount less than this size, payment-in-lieu is required for the entire amount, unless adjacent lands can be considered below.
 - iii. **Public Parks.** If a Subdivision is located in the immediate vicinity of a proposed neighborhood or community park, as defined and located in the Recreation Master Plan component of the Comprehensive Plan, where such park(s) in the vicinity have not already been located and approved, the Applicant shall coordinate with the City to locate such park(s) within the Subdivision, if the parkland calculation noted above yields a suitable amount of land, so long as the MPC (with PRB review and recommendation) determines that location in the subdivision is appropriate for such public park(s). Adjoining land already dedicated for recreation can be considered toward meeting the size requirements for such public park(s). Lands for dedication shall be indicated in applicable plat and construction documents for dedication.
 - iv. **Fee in lieu.** If MPC (with PRB review and recommendation) determines that land in the subdivision is inappropriate or not needed for a public park, the Applicant shall provide a fee in-lieu-of parkland.
 - v. **Combination of Park Land and Fee in- Lieu.** If such park lands are recommended, but the land calculation substantially exceeds applicable recommended sizes for neighborhood and community parks, the Applicant

shall provide a fee in-lieu-of park land for the portion that exceeds what can be appropriately located in the subdivision, and what is appropriate for sizing such parks.

- (2) For parkland dedication or payment in lieu, a recommendation from the PRB shall be required prior to consideration by the MPC. The recommendation shall be based on suitability. Suitability for parkland should be based on, but is not limited to, such factors as size, shape, development potential, topography, subsoils, bodies of water, accessibility, location, utility, compatibility with the Recreation Master Park Plan and Comprehensive Plan, and neighboring land uses, and nearby improvements.
3. **Streamside Management Buffers.** Streamside management buffers may be required per the *Section IV.4 Streamside Management Buffers*.
4. **Scenic Corridor Buffers.** Scenic Corridor Buffers may be required (refer to *Section IV.1.6.7 Scenic Corridor*).
- E. **Total Amount of Designated Open Space.** The following total amounts of designated open space apply to all Subdivisions fourteen (14) acres or greater.
 1. **Minimum Total Amount of Open Space.** Upon meeting the requirements for each category, a minimum of twenty-five (25) percent of the gross Subdivision area shall be designated as open space per *Section III.2.3(D) Requirements for each Open Space Category*.
 2. **Permitted Reductions in Open Space Requirements.** Should the total of the open space category requirements result in more than fifty (50) percent of the gross Subdivision area for all Types except for Type V, some of the open space areas shall be reduced as follows.
 - (1) The resulting total open space area shall constitute a minimum of fifty (50) percent of the gross Subdivision area.
 - (2) The following permitted reductions shall be taken in the following order to reach the minimum amount open space.
 - i. **City-Wide Greenways.** City-wide greenways for off-street paths and trails may be reduced or eliminated unless no other connection opportunity exists.
 - ii. **City-Wide Parks.** The fee-in-lieu of Dedication of land may be utilized for city-wide parks.
 - iii. **Conservation Area Connections.** Required connections between Conservation Areas may be reduced.

- iv. **Neighborhood Scale Open Space Requirement.** Land zoned Conservation may be utilized to meet the requirements of the Neighborhood Scale Open Space Requirement.
- v. **Scenic Corridor Buffers.** Scenic Corridor Buffers may be reduced to no less than thirty-five (35) feet in depth for no more than two hundred (200) feet along the Scenic Corridor.
- vi. **Streamside Management Buffer.** As a final

2.4. OPEN SPACE TYPES

2.4.1. SUMMARY OF OPEN SPACE REQUIREMENTS

Required open space shall be implemented through permitted open space types identified in this Section. Open space types shall allow for public areas, semi-public areas, and/or private outdoor areas. All open space areas shall be landscaped in accordance with these Regulations and provide uniform design and coordinated experiences for the user. The open space types are identified in *Table III.2.2 Open Space Type Requirements*. The open space types are also subject to the requirements in the applicable section.

Table III.2.2 Open Space Type Requirements

Open Space Types	Minimum Size (Acres)	Maximum Size (Acres)	Minimum Dimension (Feet)	Minimum % of ROW Frontage Required
Close	0.05	0.25	45 feet	100%
Pocket Park	0.125	0.25	None	50%
Green	0.25	5	45 feet	50% up to 2 acres; 100% over 2 acres
Square	0.25	3	80 feet	100%
Plaza	0.25	2	80 feet	50%
Park	2	None	100 feet	50% up to 5 acres; 20% over 5 acres
Linear Park/Greenway	1	None	30 feet; minimum average 80 feet	50%; 1 access point per quarter mile

2.4.2. CLOSE

- A. **Intent.** To provide an informal, small Scale, passive green space for nearby residential units and to increase the amount of landscaping within the vehicular Right-of-Way.
- B. **Minimum Percentage of Vehicular ROW Frontage Required.** Alley frontage will fulfill this requirement for the Close.
- C. **Permitted Improvements.** The following improvements shall apply to the Close Open Space Type.
 - 1. **Maximum Percentage of Open Water.** The maximum percentage of open water in a Close is 30%.
 - 2. **Maximum Impervious and Semi-Pervious Surface.** No impervious or semi-pervious surface shall be permitted.

2.4.3. POCKET PARK

- A. **Intent.** Pocket parks are small Scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents or customers within walking distance. Pocket parks may be designed around and include an environmental feature such as a stream, creek, or wetland.
- B. **Permitted Improvements.** The following improvements shall apply to the Pocket Park Open Space Type.
 - 1. **Permitted Components.** Pocket parks shall include components such as, but not limited to, shade structures, gazebos, seating areas, multi-purpose lawn space, dog park, playground/play space, public art, sculptures, community gardens, landscaping, and trails.
 - 2. **Maximum Impervious and Semi-Pervious Surface.** The maximum permitted impervious surface area is 50%. An additional 10% can be improved as semi-pervious.
 - 3. **Maximum Percentage of Open Water.** The maximum percentage of open water in a Pocket Park is 30%

Figure III.2.1 Pocket Park



2.4.4. GREEN

- A. **Intent.** A green provides informal, medium, or large Scale active or passive recreation for neighborhood residents within walking distance. Greens are typically bounded by the vehicular Right-of-Way and the fronts of buildings.
- B. **Location.** Shall be located within a half (1/2) mile radius of the majority of residents.
- C. **Permitted Improvements.**
 - 1. **Permitted Components.** May include, but is not limited to, shade structures, gazebos, seating areas, multi-purpose lawn space, playground/play space, and limited/small scale recreational facilities.
 - 2. **Maximum Impervious and Semi-Pervious Surface.** The maximum permitted impervious surface area is 20%. An additional 15% can be improved as semi-pervious.
 - 3. **Maximum Percentage of Open Water.** The maximum percentage of open water in a Green is 30%

Figure III.2.2 Green



2.4.5. SQUARE OR PLAZA

- A. **Intent.** To provide a formal open space of small or medium Scale to serve as a gathering place for civic, social, and commercial purposes. They contain both paved areas, such as paths, fountains, gazebos, public art, and street furniture, and landscaping. They are typically located in the front or sides of a building or group of buildings and may not be located in the rear of the building or property.
- B. Squares and Plazas shall provide a uniform and coordinated design of compatible materials, colors, pavers, seating, and structures.
- C. At least eighty (80) percent of the Square or Plaza's perimeter that does not front on vehicular Right-of-Way shall be lined by building frontages.
- D. **Permitted Improvements.**
 - 1. **Permitted Components.** Squares and Plazas shall require a focal point such as public art installations, fountains, gazebos, or similar structures.
 - 2. **Fully Enclosed Structure.** Fully enclosed structures are permitted and are permitted to cover a maximum of five (5) percent of the total area of the Square or Plaza.
 - 3. **Permitted Improvements specific to Squares.**
 - (1) **Maximum Impervious and Semi-Pervious Surface.** The maximum permitted impervious surface area is 40%. An additional 20% can be improved as semi-pervious.

- (2) **Maximum Percentage of Open Water.** The maximum percentage of open water in a Green is 30%
- 4. **Permitted Improvements specific to Plazas.**
 - (1) **Minimum Impervious and Semi-Pervious Surface.** The minimum permitted impervious surface area is 40%. An additional 10% can be improved as semi-pervious.
 - (2) **Maximum Impervious and Semi-Pervious Surface.** The maximum permitted impervious surface area is 80%. An additional 10% can be improved as semi-pervious.
 - (3) **Maximum Percentage of Open Water.** The maximum percentage of open water in a Green is 50%

Figure III.2.3 Square and Plaza



2.4.6. PARK

- A. **Intent.** Parks provide active and passive medium or large-Scale recreational amenities to residents and the greater region. Parks shall provide for both passive and active recreation.
- B. **Permitted Improvements.**
 - 1. **Permitted Components.** Shall include at minimum shade structures, seating areas, multipurpose lawns, and/or sport fields. May include gazebos, a community center, playground, pool, fitness center, and other appropriate uses.
 - 2. A minimum twenty-five (25) percent of the park area shall be dedicated to active recreation as defined in *Section III.2.6 Minimum Open Space Requirement For Development*.
 - 3. **Maximum Impervious and Semi-Pervious Surface.** The maximum permitted

impervious surface area is 20%. An additional 15% can be improved as semi-pervious.

4. **Maximum Percentage of Open Water.** The maximum percentage of open water in a Green is 30%.

Figure III.2.4 Park



2.4.7. LINEAR PARK/GREENWAY

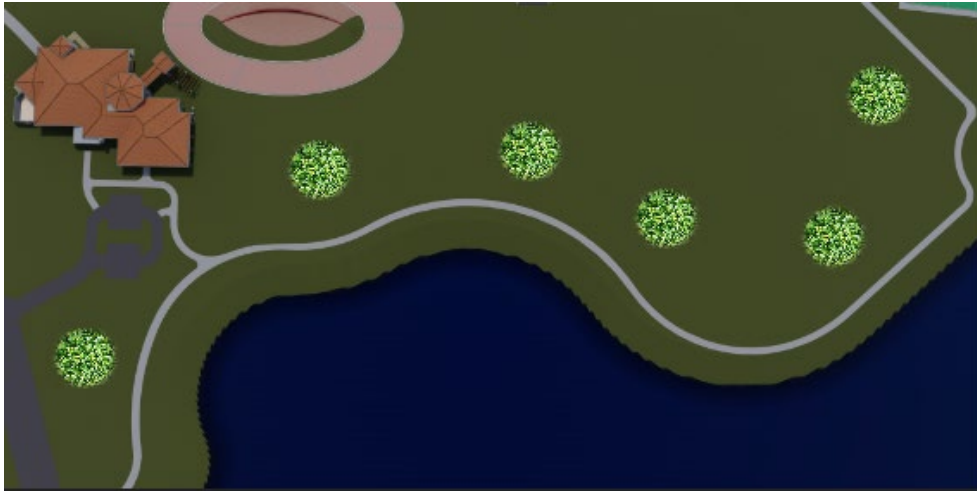
A. **Intent.** Linear Park/Greenway is an open space type that provides primarily natural linear medium or large-Scale open spaces that serve to enhance connectivity between Open Space Types and other Uses. Linear Parks are linear open spaces that often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular Right-of-Way. A Linear Park may border other Open Space Types.

B. **Permitted Improvements.**

1. **Walkways.** Linear Park/Greenways shall feature improved or non-improved walkways that respect the natural environment in which they are constructed.
 - (1) Walkways shall be a minimum eight (8) feet in width.
2. **Length.** Linear Park/Greenways longer than one (1) mile shall maintain a minimum average width of eighty (80) feet but may be required to be greater if designated on the Comprehensive Plan.
3. **Access.** Linear Park/Greenways shall have a minimum of one (1) Access Point per quarter mile of length from a vehicular Right-of-Way or from another Open Space Type.

- (1) Each Access Point shall have a minimum width of twenty (20) feet.
4. **Permitted Components.** Linear Park/Greenways may include accessory structures such as gazebos, seating areas, playgrounds, and shade structures.
5. **Maximum Impervious and Semi-Pervious Surface.** The maximum permitted impervious surface area is 20%. An additional 10% can be improved as semi-pervious.
6. **Maximum Percentage of Open Water.** The maximum percentage of open water in a Green is 30%

Figure III.2.5 Linear Park/Greenway



2.5. OPEN SPACE REQUIREMENTS

2.5.1. GENERAL REQUIREMENTS

The following applies to all Open Space Types.

- A. **Access.** All Open Space Types shall provide pedestrian access to/from the open space from the sidewalk of each adjacent vehicular Right-of- Way.
- B. **Fencing.** Open Space Types may incorporate fencing if the requirements of *Section III.3.15 Fences and Walls*, are met. In addition, fencing on the Street Face of the open space shall meet the following requirements.
 1. Height. Fencing shall be a maximum height of forty-two (42) inches.
 2. Level of Opacity. Fence opacity shall be no greater than sixty (60) percent.
 3. Gates or openings shall be provided on every Street Face at a minimum of every two hundred (200) feet.
- C. **Irregular Remnants.** Irregular remnants or strips of land inappropriate for play areas or gathering spaces shall not be dedicated as open space.

- D. **Open Water.** All Open Water within an Open Space Type shall be located at least twenty (20) feet from a Property Line except where otherwise approved (required) by the City Engineer.
- E. **Ownership.** Open Space Types may either be publicly or privately owned.
 - 1. **Homeowners Association (HOA)/Property Owners Association (POA).** Open space may be owned in common by the owners of a development through a recognized homeowners association (or similar ownership association).
 - 2. **Nonprofit.** Open space may be conveyed to a nonprofit organization (i.e., a conservation ground, land trust, etc.) for management. The nonprofit shall be required to manage and maintain the open space.
 - 3. **Dedication.** Open space may be dedicated to the city during the review process if an agreement is made between the applicant and city. The city shall have final authority on which lands are dedicated to the city.
- F. **Continuity.** Connections to existing or planned trails or Open Space Types shall be made when the open space abuts an existing or planned trail Right-of-Way or Open Space Type.

2.5.2. DEFINITION OF REQUIREMENTS

The following defines the requirements included in Summary *Table III.2.2 Open Space Type Requirements* and *Table III.2.3 Minimum Required Open Space Form for Development* specific to each Open Space Type.

- A. **Improvements.** The following types of development and improvements may be permitted on an Open Space Type.
 - 1. **Designated Sports Fields Permitted.** Designated sports fields or ball courts include, but are not limited to, baseball fields, softball fields, soccer fields, basketball courts, football fields, skateboard parks, and tennis courts.
 - 2. **Playgrounds Permitted.** Playgrounds include a defined area with structures and equipment for free play. Playgrounds are typically for children under twelve (12) years of age, and include such items as slides, swings, and climbing structures.
 - 3. **Fully Enclosed Structures Permitted.** Fully enclosed structures may include such Uses as park offices, kiosks, maintenance sheds, community centers, and restrooms. Refer to III.2 Uses.
 - 4. **Parking.** Parking is permitted only in the Park and Linear Park/Greenway Open Space Types. Refer to *Section III.4 Parking, Loading, and Access Standards* for permitted quantities. Parking is not required for any Kiosk (refer to *Section II.1*

Zoning Regulations) in a Square or Plaza.

5. **Maximum Impervious and Semi-Pervious Surface Permitted.** The amounts of Impervious and Semi- Pervious Coverage are provided separately to allow an additional amount of Semi-Pervious surface, such as permeable paving, above the Impervious surfaces permitted, including, but not limited to, parking facilities, driveways, sidewalks, paths, and structures as permitted.
 6. **Maximum Percentage (%) of Open Water.** The maximum amount of area within an Open Space Type that may be covered by Open Water, including, but not limited to, ponds, lakes, and pools.
- B. **Stormwater Management in Open Spaces.** Stormwater management practices, such as storage and retention facilities, shall be integrated into Open Space Types. Refer to Section *IV.3 Stormwater Management* for design requirements. The size of the Stormwater facility shall not exceed the maximum percentage of open water requirement as identified in *Section III.2.4 Open Space Types* above.
1. **Stormwater Features.** Stormwater features in open space may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design. Stormwater features shall not be fenced and shall not impede public use of the land they occupy. See *Section IV.3 Stormwater Management*.
 2. **Qualified Professional.** A qualified landscape design professional, such as a registered landscape architect, shall be utilized to incorporate stormwater features into the design of the open spaces.

2.6. MINIMUM OPEN SPACE REQUIREMENT FOR DEVELOPMENT

- A. **Minimum Open Space Requirement.** The required amount of minimum open space in an applicable development shall be in accordance with this Section. Open space shall be calculated as a percentage of the total square footage of a development. Each development shall also require a minimum number of open space forms (as identified in *Table III.2.3 Minimum Required Open Space Form for Development*).

Table III.2.3 Minimum Required Open Space Form for Development

Zoning District	Minimum Open Space Percentage (%)	Minimum Required Open Space Form(s)
Residential Districts		
Less Than 10 Acres	10	1 small
10 – 50 Acres	20	1 small + 1 medium OR 1 large*
Greater than 50 Acres	30	1 small/medium + 1 large OR 1 small + 2 medium
Non-Residential		
Less Than 25 Acres	5	1 small
25 – 50 Acres	10	1 small + 1 medium
Greater than 50 Acres	15	2 small + 1 medium
Industrial Districts	0	0
Mixed Use		
Less Than 25 Acres	15	2 small
25 – 50 Acres	20	2 small + 1 medium
Greater than 50 Acres	25	3 small + 2 medium OR 6 small + 1 medium

* A design alternative may be permitted by the Code Administrator for one (1) large open space type

B. Design Standards. The design and incorporation of open space in a development shall comply with the following standards:

1. **Distribution.** Open space shall be, to the maximum amount practicable with respect to environmental considerations and subdivision design, evenly distributed throughout the development.
2. **Distance.** No two open space types shall be adjacent or within 1/4-mile radius of another open space, except when connecting directly to a Linear Park/Greenway.
3. **Frontage.** All open space shall have at least fifty (50) feet of frontage on at least one (1) public street within the development in which the open space resides.
4. **Consolidation.** Required open space requirements shall not be consolidated to meet the standards of this Section. It is the intent of this Section to require multiple open space types of varying sizes in each development per *Section III.2.6 Minimum Open Space Requirement for Development*.

- (1) If the design, layout, or proposed uses within a development makes consolidation of open space appropriate, the applicant may request a waiver of this requirement from the Planning Director. The applicant shall provide a written narrative and graphical illustrations justifying the request.

5. **Active and Passive Features.** A minimum of twenty-five percent (25%) of all required open space shall be dedicated and designed to allow for active recreation features. Active recreation and passive features are identified in *Table III.2.4 Active and Passive Feature Types*, and include, but are not limited to, those features identified. The Code Administrator may administratively approve similar features which keep with the intent of the listed active or passive recreation features.

- (1) Active recreation is defined as recreational features equipment and taking place at prescribed places, sites, or fields, which allow for the active recreational needs of residents or users of the development which they serve.
- (2) Passive recreation is defined as recreational features that do not require prepared facilities like sports fields or pavilions and require minimal disruption to a site.

Table III.2.4 Active and Passive Feature Types

Active Features	Passive Features
Lawn Games and Concrete Gaming Tables	Walking Trails
Hard Courts (Pickleball, Tennis, Etc.)	Boardwalks
Playgrounds	Gardens
Swimming Pools and Splash Pads	Greens
Athletic Fields (Soccer, Baseball, Etc.)	Picnic Areas
Clubhouse, Pavilions, Amenity Centers, Gazebos, Shade Structures	Lakes and Ponds
Exercise Facilities	Benches and Seating Areas
Plazas	Lawns and Natural Areas
	Greenways

1. **Topography.** The average slope of land for active recreation shall not exceed seven-and-one-half percent (7.5%), while the average slope for passive recreation shall not exceed fifteen percent (15%).

2. **Accessibility.** Open space shall be located and designed to be easily accessible for residents and users of the development. Open spaces shall make accommodations to provide universal designs that may be enjoyed by different target users and provide for ADA accessibility.
3. **Public Seating.** Public seating is encouraged. Public seating shall be adequate for the anticipated demand of the intended use of the open space and reflective of the number of dwelling units within a development.
4. **Receptacles.** Refuse receptacles are required at each entrance and gathering space.
5. **Parking.** A limited amount of parking spaces may count toward open space requirements.
 - (1) **Small.** Small open spaces shall not count any parking as part of its open space calculation.
 - (2) **Medium.** Medium open spaces may count up to five (5) parking spaces as part of its open space calculation.
 - (3) **Large.** Large open spaces may count up to ten (10) parking spaces as part of its open space calculation.
6. **Landscape Section.** Any landscaping of open spaces shall be in accordance with *Section III.3 Landscape Standards*.

3. LANDSCAPE STANDARDS

3.1. GENERAL REQUIREMENTS

A. **Intent.** The standards outlined in this Section are designed to meet the following set of goals in respect to site development and the design, installation, and maintenance of landscaping.

1. To foster aesthetically pleasing developments which will protect and preserve the appearance, character, health, safety, and welfare of the community.
2. To achieve and maintain sustainable, functional landscapes.
3. To maintain a minimum Tree Canopy Coverage as the City continues to develop.
4. To maintain and enhance the Tree Canopy's ability to intercept stormwater.
5. To install overstory trees and

III.3

3. Landscape Standards	347
3.1. General Requirements	347
3.2. Installation and Maintenance ...	351
3.3. Maintenance of Public Property and Utility Easements	364
3.4. Hazardous and/or Noxious Vegetation	365
3.5. Natural Landscape Areas	367
3.6. Residential Tree Canopy Requirements	368
3.7. Non-Residential, Attached House, And Multifamily (Except Manufacturing), Tree Canopy and Landscape Requirements	370
3.8. Manufacturing District Tree Canopy Requirements	370
3.9. Open Space Type Tree Canopy Requirements	371
3.10. Frontage Buffer	371
3.11. Side and Rear Buffer	373
3.12. Parking Lot Landscaping	377
3.13. Screening of Open Storage, Refuse Areas, and Utility Appurtenances	381
3.14. Landscape Requirements for Through Lot Landscape Easement .	383
3.15. Fences and Walls	384
3.16. Tree Preservation and Management	386

landscaping within predominantly impervious areas to minimize wind, glare, and temperature extremes related to the urban heat island effect.

6. To improve the appearance of the vehicular Rights-of-Way and to create a buffer between pedestrian and vehicular travel lanes to increase safety for pedestrians.
7. To preserve privacy, deter trespass, and minimize negative impacts on residential property adjacent to more intense developments.
8. To minimize the negative visual impacts of parking facilities, outdoor storage, refuse areas, and utility appurtenances.

B. **Applicability.** Landscaping, and Street Trees. Street trees required by *Section IV.1 Street Type Standards*, replacement trees and landscape buffers per this Section shall be installed as detailed in this Section.

1. **General Compliance.** Application of this Section shall occur per the following.
 - (1) Development of new buildings, open space types, parking facilities, loading facilities, and driveways.
 - (2) Improvements to existing parking facilities, loading facilities, and driveways, including reconfiguration, installation of new landscape islands, and/or an increase in ten (10) percent or more spaces.
 - (3) Alteration to an existing Principal or Accessory Structure that results in a change of fifteen (15) percent or more in the structure's Gross Floor Area.
2. **Buffers.** Landscape buffers are required per the provisions in this Section with the following exceptions.
 - (1) Shared Driveways. Buffers shall not be required for the portion along a Property Line where a curb cut or aisle is shared between two adjoining Lots.
 - (2) Points of Access. Buffering is not required at driveways or other points of access to a Lot.
3. **Temporary Structures.** These provisions do not apply to temporary Structures unless the temporary Structure will be in place for more than twelve (12) continuous months.
4. **Emergencies.** In case of emergencies, such as hurricanes, tornadoes, windstorms, and floods, replacement of damaged landscape may be deferred to a time acceptable to the Municipal Plan Commission (MPC).

C. **Exception to Tree Canopy Coverage Requirements.** If any Tree Canopy Coverage Requirements cannot be met due to one (1) of the following, the MPC, with review and recommendation by the Natural Resources Board (NRB), may approve a

contribution to the Tree Bank in lieu of on-site planting.

1. Inappropriate Soils for tree plantings.
2. Slopes fifteen (15) percent or greater.
3. Lack of planting area.

D. Landscape Plan and Schedule. Landscape plans and landscape schedules are required for all non-single family development. Landscape plans and schedules are required for minimum required tree plantings for single family development.

1. Landscape Plan Submittal. Landscape plans submitted for consideration of the City shall be prepared by a Registered Landscape Architect. All plans shall include the following:

- (1) Title block, including north arrow, graphic and written scale, street address, legal description, and date of preparation.
- (2) Name, address, and telephone number of person preparing plan.
- (3) Dimensioned Property Lines.
- (4) Areas unavailable for planting such as areas with existing and proposed structures, utility locations (water, sewer, stormwater, gas, and electric), Easements, water bodies, poor soils, high slopes (greater than 15%), and other areas.
- (5) Location, size, and species of all existing trees to be preserved.
- (6) Location, quantity, size, and species of all proposed plant materials.
- (7) Calculations demonstrating compliance with the landscape requirements.
- (8) Maintenance notation indicating maintenance responsibilities upon installation.
- (9) Any berms and other unique physiographic features.
- (10) Visibility triangles for entrances and intersecting streets.
- (11) Plant schedule.
- (12) Lighting placement, indicating spacing between tree plantings. Refer to *Section III.6. Site Lighting*.
- (13) Soil Fertility Analysis. A soil fertility analysis and bulk density analysis is required as follows.
 - i. Minimum Information shall include soil type, soil pH, buffer pH, P, K, Ca, Mg, Fe, Mn, Zn, organic matter content, and calculated cation exchange capacity.
 - ii. Required Locations. One test is required for every contiguous area of

landscape intended for any tree planting greater than one thousand (1000) square feet and less than ten thousand (10,000) square foot, excluding ornamental planting beds, Natural Landscape Areas, and parking lot islands.

(14) Results of compaction test at planting locations denoting compaction in terms of grams/cubic centimeter (g/cm³).

(15) Proposed structural soils.

2. **Landscape Schedule.** Landscape schedules shall include the following:

(1) Location of all available planting areas including Landscape Areas; frontage buffers, side and rear buffers, interior parking lot landscaping, open spaces, stormwater basins, Streamside Management Buffers (refer to *Section IV.4 Streamside Management Buffers*). Include square footage calculations for each available area.

(2) Areas unavailable for planting such as existing and proposed structures, utility locations (water, sewer, stormwater, gas, and electric), Easements, water bodies, and other areas.

(3) Dimensioned Property Lines.

(4) Location of existing trees proposed to be preserved and which will be counted toward canopy coverage requirements (refer to *Section III.3.9 Open Space Type Tree Canopy Requirements*).

(5) Summary table of all trees proposed to be removed and the proposed number of replacement trees to be planted by tree size (large, medium, small) and type, including but not limited to such types as overstory deciduous shade tree, evergreen tree, understory tree, ornamental tree per each landscape area.

(6) Proposed contribution to the Tree Bank, including the number and size of trees for which the contribution is being made and the associated dollar amount. Refer to the Tree Management Ordinance for details and permission requirements.

(7) Proposed structural soils if applicable.

E. **Irrigation Plan.** If a permanent irrigation system is required, an irrigation plan including the following is required. Plan shall be prepared by a licensed irrigator or Registered Landscape Architect.

1. Title block, including north arrow, graphic and written scale, street address, legal

description, and date of preparation.

2. Name, address, and telephone number of person preparing plan.
 3. Dimensioned Property Lines.
 4. Existing structures and utilities (water, sewer, stormwater, gas, and electric) and related Easements.
 5. Proposed irrigation system (labeled by size).
 6. All sprinkler heads labeled as to type (key is acceptable).
 7. Back-flow prevention device labeled with type and size.
 8. Location of water meter and connection to water service.
 9. Maintenance note indicating maintenance responsibility.
- F. **Inspection of Private Property Landscape.** All private landscaped areas regulated by these Land Development Regulations may be inspected by the City.

3.2. INSTALLATION AND MAINTENANCE

- A. **Intent.** The following provisions ensure that all required landscaping is installed and maintained properly.
- B. **Applicability.** These provisions apply to all tree and landscape installation and maintenance throughout the City, including but not limited to landscaping and trees required by this Section, street trees required by *Section IV.1 Street Type Standards*, and replacement trees required by *Section III.3.16 Tree Preservation and Management*, unless exempted in this article.
- C. **Standards.** The installation and maintenance of landscaping shall adhere to the following standards.
1. **Installation.** All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.

Table III.3.1 Plant Material Size at Installation

Plant Material Type	Minimum Size (refer to ANSI Z 60.1)
Deciduous Shade and Overstory Tree	8' in height
Evergreen	8' in height
Understory Tree	6' to 8' in height
Ornamental Tree	1.5" caliper
Screening Shrubs	6'
Decorative Shrubs	Gallon, min. 18" height
Perennials and Ornamental Grasses	3 gallons
Groundcover and Vine	3" in height

2. **Maintenance and Protection.** All landscaping and trees shall be maintained per the most recent edition of the American National Standards Institute, including its provisions on pruning (ANSI A300), fertilizing, support systems, lightning protection, and safety.
3. Species listed on the Invasive Exotic Pest Plant List, maintained at City Hall, are not permitted.
- D. **Installation.** Landscaping and trees shall be fully installed prior to the issuance of a Certificate of Compliance permit (refer to *Section I.4.10 Certificate of Compliance*).
 1. If seasonal conditions preclude the complete installation, security is required per *Section I.5.3 Security and Public and Common Improvements*, and a Certificate of Completion is required.
- E. **Plant Material.** All installed plant material shall be maintained, including watering, fertilization, and replacement, as necessary.
 1. **Plant Size Requirements.** Plant material shall be sized per *Table III.3.1 Plant Material Size at Installation* and American Standard for Nursery Stock (ANSI Z60.1) at the time of installation, unless otherwise noted in this Section or in *Section III.3.16 Tree Preservation and Management*.
 2. **Condition of Landscape Materials.** The landscaping materials used shall be:
 - (1) Healthy and hardy with a good root system, free of insect and disease.
 - (2) Tolerant of the natural and man-made environment, including tolerant of

drought, wind, salt, and pollution.

- (3) Appropriate for the conditions of the site, including slope, water table, and soil type.
 - (4) Protected from damage by grates, pavers, or other measures.
 - (5) Plants that will not cause a nuisance or have negative impacts on an adjacent property. and well- spaced lateral branches.
 - (6) Species native or naturalized to Tennessee. Naturalized refers to plants that are not indigenous to the area, but now maintain themselves in the area's climate and soils without further human intervention.
3. **Native Plants.** Where native plants are required or utilized, select vegetation capable of withstanding the extremes of individual site micro-climates for existing soil, drainage, and climatic conditions.
- (1) **Seeds.** Seeding of Natural Landscape Areas (refer to *Section III.3.5 Natural Landscape Areas*) with native seed shall conform to generally accepted seeding procedures, methods, and times for meadow, prairie, and savannah species native to Shelby County, Tennessee.
 - (2) **Plants.** All live herbaceous perennial plants, tubers, bulbs, and dormant rootstocks of herbaceous perennial native plants used in Natural Landscape Areas (refer to *Section III.3.5 Natural Landscape Areas*) and in natural drainage areas (refer to *Section IV.3 Stormwater Management*) shall have derived from parent generations that are native to Shelby County, Tennessee.
4. **Quality of Trees.** Trees shall be in accordance with standards as set forth in ANSI Z60.1-2014-American Standard for Nursery Stock.
- i. If seasonal conditions preclude the complete installation, security is required per *Section I.5.3 Security For Public and Common Improvements*, and a Certificate of Completion is required.
5. **Trees.** The following applies to all new trees required by these Land Development Regulations, including replacement trees required by *Section III.3.16 Tree Preservation and Management*.
- (1) *Table III.3.2 Permitted Trees* identifies the permitted trees for required landscape and buffer requirements. Plants not included on this list may be used if approved by Planning Director.

Table III.3.2 Permitted Trees

*= Trees native to the region are recommended.

Common Name	Botanical Name	Mature Height	Crown Spread
Small Trees			
Japanese Maple	Acer palmatum	15-25ft	15-25ft
Red buckeye*	Aescutuspavia*	15-20ft	15-25ft
Serviceberry*	Amelanchier spp.*	15-30ft	variable
Paw paw*	Asimina triloba*	15-20ft	15-20ft
Chinese fringetree	Chionanthus retusus	15-25ft	15ft
American fringetree*	Chionanthusvirginicus*	15ft	10-15ft
Flowering dogwood*	Cornus florida*	20ft	20ft
Kousa dogwood	Cornus kousa	20ft	20ft
Smoketree	Cotinus coggygria	10-15ft	10-15ft
Witchazel*	Hamamelis virginiana*	10-20ft	10-20ft
Holly*	Ilex x attenuata*	15-25ft	8-12ft
Nellie R. Stevens Holly	Ilex x 'Nellie R. Stevens'	20-30ft	10-15ft
Possumhaw*	Ilex x decidua*	10-15ft	10-15ft
Star magnolia	Magnolia stellata	15-20ft	10-15ft
American plum*	Prunus americana*	12-25ft	12-20ft
Cherry (asian species)	Prunus spp.	15-40ft	15-40ft
Smooth sumac*	Rhus glabra*	10-15ft	10-15ft
Staghorn sumac*	Rhus typhina*	15-25ft	15-25ft
Rusty blackhaw*	Viburnum rufidulum*	15-25ft	15-20ft

Common Name	Botanical Name	Mature Height	Crown Spread
Medium Trees			
Trident maple	<i>Acer buergerianum</i>	20-30ft	25ft
Paperbark maple	<i>Acer griseum</i>	20-30ft	15-25ft
Ironwood*	<i>Carpinus caroliniana*</i>	20-30ft	20-30ft
Eastern redbud*	<i>Cercis canadensis*</i>	20-30ft	25-35ft
Yellowwood*	<i>Cladrastis lutea*</i>	30-50ft	40-50ft
American Smoketree*	<i>Cotinus obovatus*</i>	20-30ft	15-25ft
Hawthorn*	<i>Crataegus spp.*</i>	20-30ft	20-35ft
Japanese-cedar	<i>Cryptomeria japonica</i>	50-60ft	15-20ft
Carolina silverbell*	<i>Halesia carolina*</i>	30-40ft	20-30ft
American holly*	<i>Ilex opaca*</i>	40-50ft	15-25ft
Golden raintree	<i>Koelreuteria paniculata</i>	30-40ft	30-40ft
Saucer magnolia*	<i>Magnolia x soulangeana*</i>	20-30ft	20-30ft
American hophornbeam*	<i>Ostrya virginiana*</i>	25-40ft	25-35ft
Sourwood*	<i>Oxydendrum arboreum*</i>	25-50ft	30-35ft
Chinese pistache	<i>Pistacia chinensis</i>	25-35ft	25-35ft
Japanese snowbell	<i>Styrax japonicus</i>	20-30ft	15-25ft
Fragrant snowbell*	<i>Styrax obassia*</i>	20-30ft	20-30ft
Red horsechestnut	<i>Aesculus x carnea</i>	30-45ft	30-45ft
Atlantic white cedar*	<i>Chamaecyparis thyoides*</i>	40-60ft	20-30ft

Common Name	Botanical Name	Mature Height	Crown Spread
Medium Trees Cont.			
Deodar cedar	<i>Cedrus deodara</i>	40-60ft	25-30ft
Eastern redcedar*	<i>Juniperus virginiana*</i>	40-50ft	8-25ft
Sweetbay magnolia*	<i>Magnolia virginiana*</i>	40-50ft	15-25ft
Shortleaf pine*	<i>Pinus echinata*</i>	50ft	35ft
Austrian pine	<i>Pinus nigra</i>	40-60ft	25-35ft
Cherry (asian species)	<i>Prunus spp.</i>	15-40ft	15-40ft
Overcup oak*	<i>Quercus lyrata*</i>	35-50ft	30-50ft
Sassafras*	<i>Sassafras albidum*</i>	30-60ft	25-40ft
Arborvitae*	<i>Thuja occidentalis*</i>	25-40ft	10-12ft
Chinese elm			
Large Tree			
Red maple*	<i>Acer rubrum*</i>	60-75ft	25-35ft
Sugar maple*	<i>Acer saccharum*</i>	50-80ft	35-50ft
River birch*	<i>Betula nigra*</i>	40-50ft	40-50ft
Hickory species*	<i>Carya spp.*</i>	50-80ft	25-40ft
Pecan*	<i>Carya illinoensis*</i>	70-100ft	50-70ft
Chinese chestnut	<i>Castanea mollissima</i>	40-60ft	40-50ft
Katsura tree	<i>Cercidiphyllum japonicum</i>	40-60ft	35-60ft
American beech*	<i>Fagus grandifolia*</i>	50-75ft	40-80ft
White ash*	<i>Fraxinus americana*</i>	60-80ft	40-70ft

Common Name	Botanical Name	Mature Height	Crown Spread
Large Tree Cont.			
Green ash*	Fraxinus pennsylvanica*	60-70ft	45ft
Ginko (male only)	Ginko biloba	50-75ft	50-60ft
Thornless honeylocust*	Gleditsia triacanthos*	50-75ft	35-50ft
Kentucky coffeetree*	Gymnocladus dioicus*	65-70ft	50-70ft
Black walnut*	Juglans nigra*	60-80ft	60-80ft
Fruitless Sweetgum	Liquidambar styraciflua 'Rotundiloba	60-75ft	30-35ft
Slender Silhouette Sweetgum	Liquidambar styraciflua 'Slender Silhouette'	50-60ft	5-6ft
Yellow poplar*	Liriodendron tulipifera*	80-120ft	25-40ft
Cucumbertree*	Magnolia acuminata*	60-80ft	50-60ft
Souther magnolia*	Magnolia grandiflora*	60-80ft	30-40ft
Dawn redwood	Metasequoia glyptostroides	70-90ft	25-35ft
Black gum*	Nyssa sylvatica*	65-75ft	25-35ft
Loblolly pine*	Pinus taeda*	50-80ft	30ft
London plane tree	Platanus x acerifolia	70-85ft	70ft
Sycamore*	Platanus occidentalis*	75-90ft	60-70ft
Black cherry*	Prunus serotina*	60-90ft	35-50ft
Sawtooth oak	Quercus acutissima	50ft	70ft
White oak*	Quercus alba*	60-100ft	60-80ft

Common Name	Botanical Name	Mature Height	Crown Spread
Large Tree Cont.			
Scarlet oak*	Quercus coccinea*	60-75ft	45-60ft
Southern red oak*	Quercus falcata) *	60-80ft	60-70ft
Cherrybark oak*	Quercus felcata var. pagodifolia*	60-80ft	60-70ft
Shingle oak*	Quercus imbricaria*	40-60ft	40-60ft
Bur oak*	Quercus macrocarpa*	70-90ft	60-80ft
Swamp chestnut oak*	Quercus michauxii*	60-70ft	35-50ft
Chinkpin oak*	Quercus muehlenbergii*	40-50ft	50-60ft
Water oak*	Quercus nigra*	50-60ft	60-70ft
Nuttal oak*	Quercus nutallii*	50-70ft	40-50ft
Willow oak*	Quercus phellos*	60-75ft	40-60ft
Northern red oak*	Quercus rubra*	60-70ft	50-60ft
Shumard oak*	Quercus shumardii*	60-80ft	40-50ft
Japanese pagoda tree	Sophora japonica	40-70ft	40-70ft
Bald cypress*	Taxodium distichum*	60-80ft	25-35ft
Basswood*	Tilia americana*	50-80ft	35-50ft
Littleleaf linden	Tilia cordata	60-70ft	35-50ft
Silver Linden	Tailia tomentosa	50-70ft	40-60ft
Hybrid elm	Ulmus hybrids	50-75ft	30-70ft
Japanese zelkova	Zelkova serrata	55-80ft	50-75ft

- (2) **Tree Measurement.** Tree size shall be measured in Caliper inches at six (6) inches above the mean grade of the tree's trunk until the tree is greater than

four (4) inch Caliper, then the measurement is taken at twelve (12) inches above the mean grade of the tree's trunk.

Table III.3.3 Estimated Tree Size at Maturity and Recommended Volumes and Surface Areas

Tree Size	Estimated Tree Canopy Cover at Maturity (sq. ft)	Estimated Height at Maturity (ft)	Recommended Minimum Soil Volume (cubic ft)	Approximate Soil Surface Area with 2' Soil Depth
Small	400	15-25	600	17' x 17'
Medium	900	35-40	1,200	24.5' x 24.5'
Large	1600	40+	2,000	31.5' x 31.5'

- (3) **Tree Maintenance.** Tree trimming, fertilization, and other similar work shall be performed by or under the management of an ISA certified arborist.
- (4) **Species Composition.** Trees planted on a site shall be any combination of permitted species with the following exceptions.
 - i. One (1) genus shall not comprise more than thirty (40) percent of trees planted on a site.
 - ii. One (1) species shall not comprise more than ten (20) percent of trees planted on a site.
 - iii. Exceptions to this provision may be granted by the Code Administrator through review of the landscape plan (refer to *Section III.3.1(D) Landscape Plan and Schedule* with the following.
 - a. When fewer than fifteen (15) trees are to be planted.
6. **Tree Spacing.** Landscape Trees shall be planted a minimum of thirty (30) feet and twenty (20) feet apart for large and medium trees, respectively, unless otherwise indicated on the approved landscape plan. Refer to *Table III.3.3 Estimated Tree Size at Maturity and Recommended Volumes and Surface Areas* for tree sizes.
7. **Soil Volume and Permeable Surface.** For each tree preserved or planted an amount of soil volume and permeable surface area is recommended, unless otherwise stated in these Land Development Regulations.
 - (1) Preserved trees should have a permeable area equal to the Critical Root Zone and in no case less than seventy (70) percent of the Critical Root Zone.
 - (2) Planted trees have a suggested minimum permeable area and soil volume based upon tree size; refer to *Table III.3.3 Estimated Tree Size at Maturity and Recommended Volumes and Surface Areas* for details.
 - (3) When recommended soil surface area for a tree extends below any pavement, structural soil or equivalent is required.

- (4) No more than twenty-five (25) percent of permeable area for one tree may count toward that of another tree.
- (5) No trees shall be planted closer to any curb or sidewalk than as follows, except when permeable surface and an aeration system is provided in the adjacent pavement.
 - i. Medium trees: three (3) feet.
 - ii. Large trees: four (4) feet.

8. Trees and Infrastructure.

- (1) No tree shall be planted within five (5) feet of a water, sewer, or drainage line.
- (2) Trees shall be planted per the sight triangle provisions in *Section IV.1 Street Type Standards*.
- (3) No tree shall not be planted within ten (10) feet of a fire hydrant.
- (4) Trees planted underneath overhead utility lines shall follow the guidelines of University of Tennessee Publication “Trees to Plant Under Powerlines,” SP611 or current version, or shall be Small Trees from the list of permitted trees maintained at City Hall.

9. Tree Establishment Security. To ensure that newly planted trees are fully established, a Tree Establishment Security is required.

- (1) Trees requiring security include the following:
 - i. Trees required by this Section, including but not limited to all buffer trees, parking lot trees, and trees fulfilling any tree canopy requirements, except for trees required on single family Lots (*Section III.3.7 Non-Residential, Attached House, and Multifamily (Except Manufacturing), Tree Canopy and Landscape Requirements*).
 - ii. Replacement trees required by *Section III.3.16 Tree Preservation and Management*, including any replacement trees planted on single family Lots.
- (2) Security requires, upon receiving Final Plat approval (refer to *Section I.4.3.3 Final Plat*), Certificate of Compliance (refer to *Section I.4.10 Certificate of Compliance*), or certificate of completion, security in an amount equal to the cost of replacing the newly planted tree (using the Council of Tree and Landscape Appraiser’s or similar City approved organization’s tree appraisal estimates) and associated labor.
- (3) Security shall be posted by the Applicant or property Owner of any Lot on which plantings are required per the requirements of these Land

Development Regulations.

- (4) City shall hold the security for a minimum of two (2) years from the date of receipt of the Certificate of Compliance (*Section 1.4.10 Certificate of Compliance*) or certificate of completion to ensure the tree is well established.
- (5) During or at the end of the two (2) year period, if the tree is dead, partially dead, or any of the following is apparent, the City may require replacement of the tree and an additional two years added to the Security, to be repeated until a healthy tree is established:
 - i. Undersized leafing.
 - ii. No new growth.
 - iii. Wilting or browning of leaves.
 - iv. Signs of insects, disease, or pests.
- (6) At the end of two (2) years, if the trees are alive and considered by the Code Administrator to be well established, the security shall be released.

F. **Ground Vegetation.** All unpaved areas shall be covered by one of the following.

- 1. **Natural Landscape Area.** Refer to *Section III.3.5 Natural Landscape Areas* for planting details.
- 2. **Ornamental Planting Beds.**
 - (1) Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
 - (2) Nonliving materials, such as pine straw or mulch, are permitted for up to fifty (50) percent of a Landscape Area at planting.
 - (3) Colored mulches and stone are not permitted; organic hardwood mulch or pine straw is encouraged.
 - (4) Annual beds shall be maintained seasonally, replanting, as necessary.
 - (5) Restore soil organic matter in Critical Root Zone to levels consistent with similar soils in area.
 - (6) Landscape Areas shall be designed to be drought tolerant.
 - (7) Planting beds shall be designed to provide seasonal color to be maintained throughout the year and shall achieve uniform coverage of the entire bed or area.
- 3. **Turf Grass.** Seeded, plugged, or sodded grass may be planted throughout landscaped areas.
 - (1) Grass shall be established within ninety (90) days of planting, or the area

shall be reseeded, replugged, or resodded.

4. **Area under Existing Tree Canopy.** The areas under existing, preserved trees shall be maintained per *Section III.3.16 Tree Preservation and Management*.

G. **Soil Amendments.** The following requirements shall be met for each planting type.

1. Compost, mulch, and organic matter shall be utilized within any bedding or tree pit soil mix to reduce the need for fertilizers and increase water retention.
2. **Landscape Areas.** For areas requiring soil fertility analysis (refer to *Section III.3.1(D)(13) Soil Fertility Analysis*), either the majority of the measures tested shall fall within acceptable limits for trees, or the soil shall be modified to meet the recommendations of the soil test. Post analysis testing, if desired by the City, will be provided by the City.

H. **General Maintenance Requirements.** All landscape fulfilling the requirements of these Land Development Regulations shall be maintained per the following standards.

1. **Maintenance.** All landscaping shall be maintained in good condition always to ensure health and appearance.
2. **Replacing Unhealthy Landscaping.** Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of twenty-five (25) percent of the normal branching pattern.
3. **Maintenance Responsibility.** The Owner, occupant, tenant, and agent are jointly and severally responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.
4. **Maintain Quality and Quantity.** Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
5. **Natural Landscape Areas.** Refer to *Section III.3.5 Natural Landscape Areas* for information on maintenance of Natural Landscape Areas, including appropriately timed cutting and prescribed burns.
6. **Tree Topping.** Tree topping is not permitted on any tree. When necessary, crown reduction pruning is permitted. Refer to ANSI A300 for definitions of tree topping and crown reduction.

I. **Irrigation Systems.**

1. Permanent irrigation is required for all non- single- family Landscape Areas with the following exceptions:
 - (1) Designated Natural Landscape Areas (*refer to Section III.3.5 Natural*

Landscape Areas) are not required to be permanently irrigated.

- (2) An irrigation waiver may be obtained for landscape that meets the following standards as reviewed and recommended by the DRC and approved by the MPC:
 - (3) Plant selection, design, installation specifications and site conditions combine to create a micro-climate that will sustain the plant material in a healthy condition without regular irrigation after the plant establishment period.
 - (4) All portions of the non-irrigated landscape area will be within one hundred fifty feet (150') of an exterior water source to enable hand watering during extended dry periods.
 - (5) A temporary irrigation plan shall be provided by the Applicant to ensure landscaping will be properly maintained during the establishment period. The plan shall describe the following:
 - i. Water source
 - ii. Watering and maintenance schedule
 - iii. Temporary irrigation methods
 - iv. Contractor or individual responsible for maintenance.
 - (6) The Applicant has demonstrated the ability to provide ongoing long-term maintenance of landscape areas necessary to keep plant material healthy without irrigation.
2. Permanent irrigation systems shall adhere to the following standards.
- (1) Non-residential landscape irrigation shall have an automatic clock-activated permanent system.
 - (2) The irrigation system shall provide sufficient coverage to all landscape.
 - (3) The irrigation system shall be designed not to spray or irrigate Impervious Surfaces, including sidewalks, driveways, streets, and parking and loading areas.
 - (4) All systems shall be equipped with a back- flow prevention device.
 - (5) All mechanical systems including controllers and back-flow prevention devices shall be properly screened from public view.
 - (6) Drip irrigation systems shall be utilized in all Ornamental Planting Beds.
 - (7) Re-use of rainwater (refer to *Section IV.3 Stormwater Management* or greywater (as permitted by the Shelby County Building Department) is

encouraged.

3.3. MAINTENANCE OF PUBLIC PROPERTY AND UTILITY EASEMENTS

- A. **Intent.** These standards detail the maintenance responsibilities of the City and the maintenance responsibilities for public properties and utility Easements.
- B. **Maintenance on Utility Easements.** Maintenance of landscaping on utility Easements shall occur as follows.
1. **Public or Private Utility Companies or Agencies.** The authority of the City shall extend to the control of the activities of any utility companies or agencies in the matter of treating, trimming, planting, or removing trees or shrubs on the public and private property and streets of the City.
 2. **Permission for Maintenance.** It shall be unlawful for any utility company or agency to in any manner treat, trim, plant, or remove trees or shrubs on any public or private property within the City without the written permission of the City. The City is hereby expressly given the right to withdraw any permission where inspection indicates that the work has not been or is not being done in compliance with good horticultural standards.
 3. **Tree Replacement.** Removed trees shall be replaced by the utility company or agency per *Section 3.3(C)(4) Replacement of Trees on Rights-of-Way and Public Use Easements*.
- C. **Maintenance on Rights-of-Way and Public Use Easements.** The planting, pruning, or other treatment of trees shall be under the direction of the City and per ANSI A300.
1. **Permission for Removal.** No tree in a Right-of- Way shall be destroyed, cut down, or otherwise removed without the consent of the City.
 2. **Permission for Installation.** No trees or plants of any kind shall be planted upon any street, Public Use Easement, or public property except with City permission.
 3. **Right-of-Way Plantings.** Developer and subsequent Owner(s) shall be responsible for maintaining any plantings within the Planting Zone (refer to *Section IV.1 Street Type Standards*) of the adjacent Right- of-Way, except for street trees and unless a maintenance agreement with the City stating otherwise is in effect.
 4. **Replacement of Trees on Rights-of-Way and Public Use Easements.** To maintain the number and character of trees on Rights-of-Way and Public Use

Easements, the City may replace each tree lost with an appropriate and similar tree.

- (1) If located in a Right-of-Way Planting Zone adjacent to private property, the City may require that the cost be shared by the property Owner on a fifty- fifty (50-50) basis.
- (2) Replacement Trees. Replacement trees for those damaged in Rights-of-Way and Public Use Easements shall be of a species listed on the permitted tree list, maintained at City Hall.

3.4. HAZARDOUS AND/OR NOXIOUS VEGETATION

A. **Intent.** The following standards shall be enforced with the following goals.

1. To protect the safety of persons and property.
2. To remove the risk of damage to overhead lines, underground utilities, and obstruction of streets.
3. To prevent the unregulated growth of vegetation, invasive and/or exotic pest plants, and noxious vegetation.

B. **Applicability.** These provisions are applicable to trees on all Lots, improved or not, in all Zoning Districts.

C. **Hazardous and/or Noxious Vegetation.** The following are regulated by this Section per Tennessee Code Annotated (T.C.A.) §13-54-113.

1. Species listed on the Invasive Exotic Pest Plant List, maintained at City Hall.
2. Hazardous trees, as defined by the most recent edition of the ISA Standards Tree Condition Guide or the City's municipal code, shall be removed.
3. **Noxious Vegetation.** Noxious vegetation is defined as follows.
 - (1) Weeds and grasses taller than twelve (12) inches in height.
 - (2) Noxious weeds shall include, but are not limited to, any noxious weeds, rank vegetation which exhales unpleasant and noxious odors, or any uncultivated vegetation, including grasses.
 - (3) Natural Landscaped Areas (*Section III.3.5 Natural Landscape Areas*) are exempt from these requirements.

D. **Private Property Owner's Responsibility.** It shall be the responsibility of the private property tree Owner to prune, remove, or cause to be pruned or removed any tree or part thereof which is an unsafe condition or which because of location or condition is or may be injurious to sewers, water lines, electric power lines, gas lines, or other

Public or Common Improvements or is affected with any injurious fungus, insect, or other pest. Private property owners shall also be responsible for control of noxious vegetation in accordance with the standards set forth by *Section III.3.16 Tree Preservation and Management*.

- E. **Action.** Per Tennessee Code Annotated (T.C.A.) §13- 54-113, the City shall contact the property Owner in violation of this Section in writing delivered by United States Postal Service mail with proof of delivery to the last known address of the owner of record and detail the required action. Notice shall state that the Owner of the property is entitled to a hearing.
1. **Notice.** Notice shall include a statement that the Owner of the property is entitled to a hearing; the consequences of failing to remedy the noted condition; the person, office, address, and telephone number of the department or person giving notice; a cost estimate for remedying the noted condition in conformity with the standards of cost in the community; and a place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.
 2. **Hearing.** A request for hearing shall be made within ten (10) days of receipt of notice. Failure to make the request within this time shall without exception constitutes a waiver of the right to a hearing.
 3. **Hazardous Trees.**
 - (1) The Code Administrator shall set a time frame for abatement of the hazard depending on the severity of the hazard consistent with City policy and as established by the Municipal Code.
 - (2) Noxious Vegetation. Cutting, destroying, and/or removing of the noxious vegetation shall occur within ten (10) days of the receipt of the notice.
 - (3) If the Owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage or other materials, the removal shall be within twenty (20) days of the receipt of the notice.
- F. **Failure to Act.** Failure to act on the notice within the allotted time frame constitutes a violation of these Land Development Regulations.
1. The City is authorized and empowered to arrange and pay for the required abatement.
 2. The Owner of the property in question shall be billed for the expense of the abatement.

- (1) If the remediation exceeds \$500, the City may collect the costs assessed against the Owner through an action for debt filed in a court of competent jurisdiction. The filing of the notice with the office of the register of deeds of the county shall be a lien on the property in favor of the municipality.

3.5. NATURAL LANDSCAPE AREAS

- A. **Intent.** These standards encourage the use of native vegetation in designed and managed landscapes for the following purposes.
1. To guide the restoration or preservation of regionally native plants in natural plant communities while maintaining public health, safety, and welfare.
 2. To achieve ecologic, economic, and aesthetic benefits, such as providing wildlife habitat; reducing emissions from lawn mowing; reducing use of chemical pesticides, herbicides, and fertilizers; providing erosion control and infiltration of storm water; and improvement of water quality in streams, wetlands, and other open spaces.
- B. **Applicability.** Natural Landscape Areas include a natural landscape system of dense, native plants growing together in a balance that deters weeds and other volunteers, utilized in lieu of ornamental landscape, native or non-native, such as ornamental planting beds and turf grass.
1. These standards apply to all Lots in all Zoning Districts, except for Lots zoned CON reserved for Scenic Corridors and streamside buffers, which adhere to their own set of standards.
 2. It is not the intent of these standards to allow vegetated areas to be unmanaged, overgrown, or to allow an unsightly appearance, when such growth provides either a direct safety or health hazard.
 3. Plant species that are defined as noxious and invasive are not within the protection of these standards.
 4. These standards do not apply to a manually- weeded, ornamental, perennial planting bed containing native plant species.
 5. Stormwater facilities that are managed naturally shall follow these requirements.
- C. **General Requirements.** Natural Landscape Areas shall be developed using the following parameters.
1. **Landscape Plan on File.** When greater than 2,500 square feet, a plan of the area shall be provided to the City that details the location on the Lot, boundaries of the

area, list of the plant materials installed, and proposed maintenance techniques.

2. **Location.** Natural Landscape Areas shall be located on a Lot as follows.

- (1) Natural Landscape Area shall not be located within ten (10) feet of the Front and Corner Side Property Line or Build-to Zone, whichever is greater, adjacent to a sidewalk.
- (2) Natural Landscape Area shall not be located within five (5) feet of any other Property Line, except that no Setback shall be required along the Rear or Side Yard in the following instances.
 - i. Where fencing or continuous shrub growth three (3) feet or more in height runs adjacent to the Property Line.
 - ii. The Natural Landscape Area abuts a permitted Natural Landscape Area on an adjacent Lot.

3. **Semi-Annual Cutting.** Established Natural Landscape Areas that cannot be burn managed shall be mowed or cut to four (4) to six (6) inches once prior to April 1st and again after July 15th of each calendar year. Cutting may be required more often if unsightly, or when informed by the City.

4. **Prescribed Burn Management.** Naturally, landscaped features may undergo periodic burns after the second growing season or as fuel allows to help reduce undesirable weedy species and encourage native species. Applicant is responsible for obtaining any required County permits and notifying the appropriate authorities before burns are conducted.

3.6. RESIDENTIAL TREE CANOPY REQUIREMENTS

A. **Intent.** To achieve a minimum Tree Canopy Coverage per Lot for single family residential Building Types ensuring that the Tree Canopy is spread throughout the City.

B. **Applicability.** Tree Canopy Coverage requirements shall be met when any Principal Structure is being constructed or being renovated such that the structure's footprint is changed by twenty-five (25) percent or more on properties in the A, RE, or R1 through R4 Districts.

C. **General Requirements.** Tree Canopy Coverage requirements are as follows.

1. **Measurement.** Tree Canopy Coverage is measured in square feet of projection of the Tree Canopy at maturity onto the ground. *Table III.3.3 Estimated Tree Size at Maturity and Recommended Volumes and Surface Areas.*

2. **Tree Size.** Only large and medium overstory trees shall be counted toward achieving this requirement.

D. **Tree Canopy Coverage Requirements.** The following are the minimum Tree Canopy Coverage requirements per residential Building Type (refer to Section *II.1 Zoning Regulations*).

1. **Requirements per Building Type.**

- (1) Urban Estate and Suburban Cottage have no minimum Tree Canopy Coverage requirements if developed on a vehicular Right-of-Way with street trees.
- (2) Urban Estate and Suburban Cottage when developed on a vehicular Right-of-Way without street trees, have a required minimum planting of medium or large trees with a minimum canopy coverage of nine hundred (900) square feet.
- (3) Suburban Manor has a required minimum planting of medium or large trees with a minimum canopy coverage of twenty-five hundred (2,500) square feet.
- (4) Suburban Estate has a required minimum planting of medium or large trees with a minimum canopy coverage of forty-three hundred (4,300) square feet.
- (5) Exurban has a required minimum planting of medium or large trees with a minimum canopy coverage of 15,100 square feet.

2. **Existing Canopy Retention.** Preserved, healthy medium and large trees six (6) inches DBH or greater and listed on the Permitted Tree List maintained at City Hall may be applied to the minimum Tree Canopy Coverage requirements.

- (1) Multiple, adjacent, existing trunks with overlapping crowns shall be credited with the amount of canopy coverage they project or will project at maturity onto the ground, not including overlap.
- (2) Trees with trunks growing along a Property Line shall be credited with only that portion of the canopy projection that falls or is expected to fall upon maturity onto the Parcel in question.
- (3) No credit shall be given for trees whose trunks are growing solely on adjacent Lots that overhang the Lot in question.

3.7. NON-RESIDENTIAL, ATTACHED HOUSE, AND MULTIFAMILY (EXCEPT MANUFACTURING), TREE CANOPY AND LANDSCAPE REQUIREMENTS

- A. **Intent.** To establish minimum landscape requirements for commercial, Mixed Use, attached house, and multiple family buildings, in addition to any required landscape buffers and screens, to aesthetically improve their appearance, and to ensure that the Yards are planted appropriately.
- B. **Applicability.** These standards apply to all properties in the NC1, C1, C2, NO, O, P, RM1, and RM2 Districts.
- C. **Tree Canopy Coverage Requirements.** One (1) large or medium overstory tree is required for every two thousand (2,000) square feet of Landscape Area. Refer to *Section 3.6(C) General Requirements*.
 - 1. Existing Tree Canopy may be utilized to meet this requirement. Refer to *Section 3.6(D)(2) Existing Canopy Retention* for details.
- D. **Landscape Areas Requirements.** A minimum of forty (40) percent of the Front and Corner Side Yards not already designated as a frontage or side and rear buffer (refer to *Section 3.10 Frontage Buffer* and *Section 3.11 Side and Rear Buffer*) shall be either ornamental planting beds (refer to *Section III.3.2(H)(2) Replacing Unhealthy Landscaping*) or Natural Landscape Areas (refer to *Section III.3.5 Natural Landscape Areas*).

3.8. MANUFACTURING DISTRICT TREE CANOPY REQUIREMENTS

- A. **Intent.** To detail minimum landscape requirements for manufacturing development, in addition to any required buffers and screens, to ensure that the Yards are planted appropriately.
- B. **Applicability.** These standards apply to all properties in the M1-M3 Zoning Districts.
- C. **Tree Canopy Coverage Requirements.** One (1) large or medium overstory tree is required for every two thousand (2,000) square feet of Landscape Area. Refer to *Section 3.6(C) General Requirements*.
 - 1. Existing Tree Canopy may be utilized to meet this requirement. Refer to *Section 3.6(D)(2) Existing Canopy Retention* for details.

- D. **Landscape Areas Requirements.** A minimum eight hundred (800) square feet or a minimum of twenty (20) percent, whichever is less, of the Front and Corner Side Yards not already designated as a frontage or side and rear buffer (refer to *Section 3.10 Frontage Buffer* and *Section 3.11 Side and Rear Buffer*) shall be either ornamental planting beds (refer to *Section III.3.2(H)(2) Replacing Unhealthy Landscaping*) or Natural Landscape Areas (refer to *Section III.3.5 Natural Landscape Areas*).

3.9. OPEN SPACE TYPE TREE CANOPY REQUIREMENTS

- A. **Intent.** To detail minimum landscape requirements for Open Space Types, refer to *Section III.2 Open Space Type Standards*, to ensure that the Open Space Types are planted appropriately.
- B. **Applicability.** These standards apply to all Open Space Types.
- C. **Tree Canopy Coverage Requirements.** The following are the minimum Tree Canopy Coverage requirements per Open Space Type (refer to *Section III.2 Open Space Type Standards*). Refer to *Section III.3.6(C) General Requirements*.
1. **Requirements per Open Space Type.** Refer to *Table III.3.3 Estimated Tree Size at Maturity and Recommended Volumes and Surface Areas*.
 - (1) The Close has a required minimum Tree Canopy Coverage of seventy (70) percent, consisting of a mix of small, medium, and large trees.
 - (2) The Plaza has a required minimum Tree Canopy Coverage of thirty (30) percent, consisting of a mix of small, medium, and large trees.
 - (3) All other Open Space Types have a required minimum Tree Canopy Coverage at maturity of fifty (50) percent, consisting of a mix of small, medium, and large trees.
 2. Existing Tree Canopy may be utilized to meet this requirement. Refer to *Section III.3.6(D) Tree Canopy Coverage Requirements* for details.
- D. **Parking Lots.** All parking lots within an Open Space Type are required to provide the Frontage Buffer (refer to *Section III.3.10 Frontage Buffer*) along all sides of the parking facing streets or adjacent private yards.

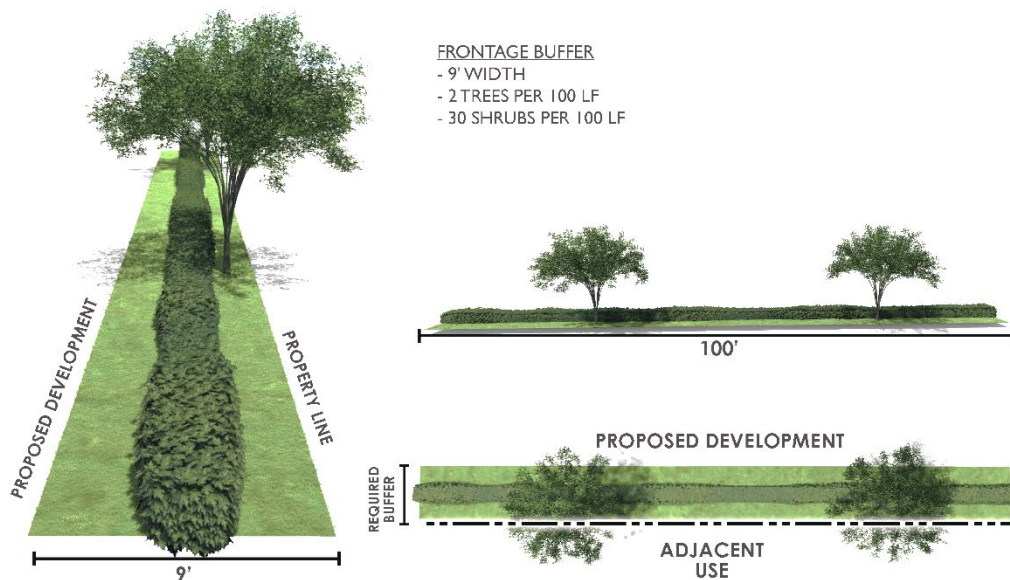
3.10. FRONTAGE BUFFER

- A. **Intent.** To lessen the visual impact of all vehicular areas on private Lots visible from the street and improve the aesthetics of auto-oriented areas.
- B. **Applicability.** These requirements apply to all properties in all Zoning Districts where a parking lot or other vehicle area is located adjacent to a vehicular Right-of-Way.

Vehicle areas include but are not limited to drive aisles, drive-through lanes, loading areas.

1. **Alleys.** Frontage buffer is required for parking areas adjacent to Alleys when a RE or R1-R8 district is located across the Alley.
2. **Exceptions.** Frontage buffers are not required for Single Family Residential Uses. Buffers are required for parking lots provided on Lots in any residential district.
3. **Reduction of Buffer.** Municipal Planning Commission (MPC) may reduce these screening requirements through crediting existing landscaping within the proposed buffer area. The existing landscaping shall provide a buffer equal to or greater than the required buffer, shall be of an acceptable species per the City's list, and shall be healthy.

Figure III.3.1 Frontage Buffer



C. **Requirements.** Typical frontage buffer requirements are illustrated in *Figure III.3.1 Frontage Buffer*.

1. **Depth.** The landscape buffer shall consist of an area nine (9) feet in depth. Buffer width shall be increased if area is also serving to handle the site's stormwater runoff.
2. **Location.** The buffer shall be located between street facing Property Line and the parking area or building face except:

- (1) In the Front and Corner Side Yards, when the parking area is located adjacent to any building, the buffer shall be located so that it aligns with the face of the adjacent building back to the vehicular area. The area between the buffer and the Front Property Line shall be landscaped.
3. **Uses and Materials.** Uses and materials other than those indicated are prohibited in the buffer.
4. **Trees.** A medium or large overstory tree shall be planted within the required landscape buffer, located on the street side of the fence, spaced to alternate with street trees so that the final effect is a staggered tree line. Where no street trees are provided, the buffer trees shall be planted a minimum of thirty (30) feet and a maximum of fifty (50) feet on center.
 - (1) Existing trees that are located within the Buffer, meet the minimum size requirements, are in good health, and are an acceptable species per the City's tree list may be utilized in place of the tree requirement at the same spacing.
5. **Hedge.** A continuous, evergreen hedge is required on the street side of the fence, located between required trees and in front of vehicular areas. The hedge shall consist of individual shrubs with a minimum width of twenty-four (24) inches, spaced no more than thirty-six (36) inches on center. Shrubs shall be minimum eighteen (18) inches high at time of planting, minimum thirty (30) inches at maturity.
6. **Access.** This screening requirement is not to be interpreted as prohibiting the installation of or provision for openings necessary for permitted access drives and walkways connecting to the public sidewalk.

3.11. SIDE AND REAR BUFFER

- A. **Intent.** Buffers are required to minimize the impact that one Zoning District may have on a neighboring district and to provide a transition between the districts.
- B. **Applicability.** These requirements apply to all directly adjoining properties in all Zoning Districts per *Table III.3.4 Side And Rear Yard Buffer Requirements by District*.
 1. **Reduction of Buffer.** Municipal Planning Commission (MPC) may reduce these screening requirements through crediting existing landscaping within the proposed buffer area. The existing landscaping shall provide a buffer equal to or greater than the required buffer, shall be of an acceptable species per the City's list, and shall

be healthy.

C. **General Requirements.** Side and rear landscape buffers shall meet the following criteria.

1. **Buffer Depth.** Buffer depth varies based upon the Zoning District of Lot and the adjacent Lot, as is outlined in *Table III.3.4 Side And Rear Yard Buffer Requirements by District.*
2. **Required Landscape Screen.** A Heavy or Light Landscape Screen is required within the side and rear yard buffers per *Table III.3.4 Side And Rear Yard Buffer Requirements by District.*
3. **Location.** Buffers shall be located on the more intensively zoned Lot.
 - (1) Buffer is measured from the Side and Rear Property Lines.
 - (2) The five (5) foot required landscape screen shall be located directly adjacent to the Rear or property Line.

Table III.3.4 Side And Rear Yard Buffer Requirements by District

Districts		Buffer	
Zoning District of Subject Property	Zoning District of Adjacent Property	Screening Intensity	Buffer Width
RM1, RM2	A, RR, ER, R1-R4	Light	20'
NC, NO, C1, C2, O, P	RM1, RM2	Light	15'
NC, NO, C1	RR, ER, R1-R4	Light	30'
C2, O, P	RR, ER, R1-R4	Heavy	50'
M1-M2	ALL DISTRICTS	Heavy	75'
M3	ALL DISTRICTS	Per MPC	

4. **Uses and Materials.** Uses and materials other than those indicated are prohibited within the buffer.
5. **Existing Landscape.** Buffers shall incorporate existing landscaping and topography. Additional planting shall complement the existing vegetation.
6. **Berms.** Berms may be utilized within the buffer and shall have a maximum side slope of three feet to one foot (3:1).
7. **Tree Canopy Coverage Requirements.** One medium or large tree is required for every two thousand (2000) square feet of buffer, excluding the areas within

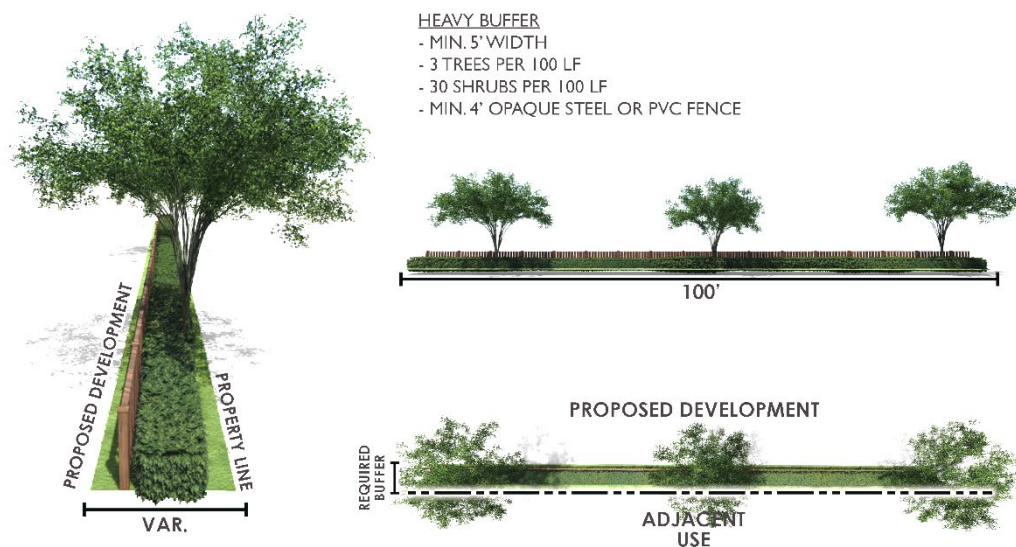
required landscape screen.

- (1) Existing Tree Canopy may be utilized to meet this requirement. Refer to *Section III.3.6(D) Tree Canopy Coverage Requirements* for details.

D. Heavy Landscape Screen Requirement. The standards specific to the heavy screening requirement are illustrated in *Table III.3.4 Side And Rear Yard Buffer Requirements by District*.

1. **Screen Depth.** A minimum five (5) foot landscape screen shall be installed in addition to other landscaping.
2. **Overstory Trees.** A medium or large overstory tree shall be installed at a minimum rate of one (1) per every forty (40) feet.
 - (1) Existing trees that are located within the buffer, meet the minimum size requirements, are in good health, and are an acceptable species per the City's tree list may be utilized in place of the tree requirement at the same spacing.
3. **Hedge.** A continuous, evergreen hedge is required, located between required trees, when a solid fence is not utilized.
 - (1) Hedge shall consist of a row of individual shrubs with a minimum width of twenty- four (24) inch spaced no more than thirty- six (36) inch on center, mature height in one (1) year at twenty-four (24) inches.

Figure III.3.2 Heavy Landscape Screen within the Side & Rear Yard Buffer



- (2) A minimum of thirty (30) shrubs per every one hundred (100) feet of affected

Property Line is required.

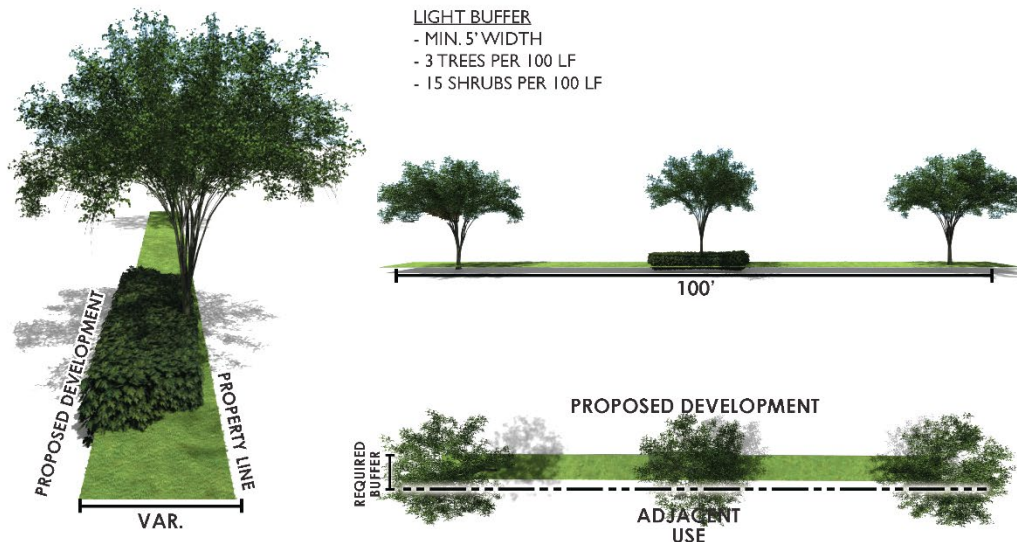
E. **Fence.** One of the following shall be installed.

1. A fence that is a minimum of four (4) and a maximum of six (6) feet in height steel or PVC picket fence shall be installed.
 - (1) No other fence material is permitted.
 - (2) Fence colors are limited to black, grey, or dark green.
 - (3) Requires installation of hedge.
2. An opaque fence of six (6) feet in height shall be installed.
 - (1) Does not require the installation of hedge.

F. **Light Landscape Screen Requirement.** The standards specific to the light screening requirement are illustrated in *Figure III.3.2 Heavy Landscape Screen within the Side & Rear Yard Buffer*.

1. **Screen Depth.** A five (5) foot landscape screen shall be installed in addition to other landscaping.
2. **Overstory Trees.** A medium or large overstory tree shall be installed at a minimum rate of one per every forty (40) feet.
 - (1) Existing trees that are located within the buffer, meet the minimum size requirements, are in good health, and are an acceptable species per the City's tree list may be utilized in place of the tree requirement at the same spacing.
3. **Hedge.** A continuous double row of evergreen shrubs is required, located between required trees.
 - (1) Hedge shall consist of a double row of individual shrubs with a minimum width of twenty-four (24) inch spaced no more than thirty-six (36) inches on center, mature height in one (1) year at twenty-four (24) inches.
 - (2) A minimum of fifteen (15) shrubs per every one hundred (100) feet of Property Line is required.

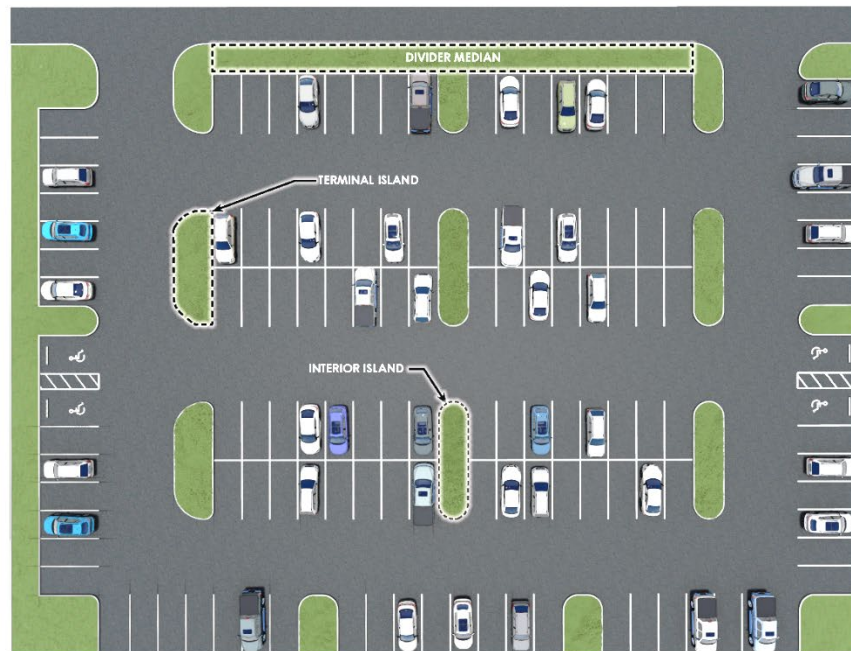
Figure III.3.3 Light Landscape Screen within the Side & Rear Yard Buffer



3.12. PARKING LOT LANDSCAPING

- A. **Intent.** Parking lot landscaping is required to provide shade, minimize paving and associated runoff, and improve the aesthetic look of parking lots. Refer to *Figure III.3.4 Parking Landscaping Illustrative Example*.
- B. **Applicability.** Parking lot landscaping is required for all off-street parking lots on all properties in all Zoning Districts.
1. **Reduction of Requirements.** Municipal Planning Commission (MPC) may reduce these landscape requirements through crediting existing landscaping within the proposed area. Existing landscaping shall be equal to or greater than required, shall be of an acceptable species per the City's tree list, and shall be healthy.

Figure III.3.4 Parking Landscaping Illustrative Example

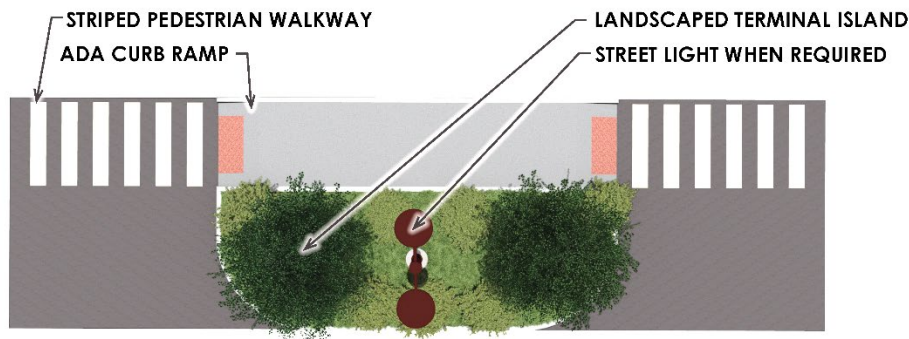


C. **Island and Median Requirements.** Parking Lot landscape islands and medians shall be installed as follows.

1. **Location.**

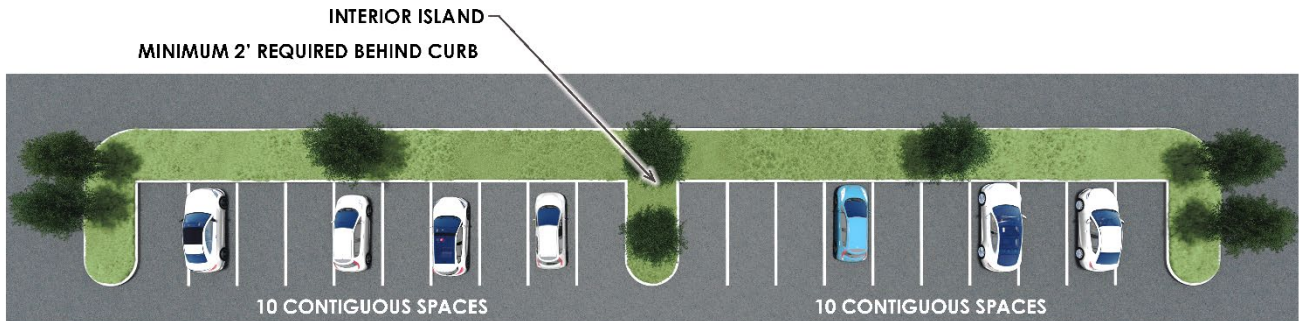
- (1) Landscape islands are required at the terminal ends of any free-standing rows or bays of parking. Free-standing rows or bays of parking are those that are not abutting the parking lot perimeter and may have a single or double row of parking.
 - i. Parking areas not visible from the street, excluding alleys, shall not be required to install terminal islands.

Figure III.3.5 Terminal Island Landscaping Illustrative Example



- (2) A landscape island shall be provided every tenth (10th) parking space for rows of parking that are more than eight (8) spaces in length. There shall be no more than eight continuous parking spaces in a row without a landscape island.

Figure III.3.6 Landscape Island Spacing Illustrative Example



- (3) A landscape median is required in each free-standing bay of parking along the length of the bay of parking.
2. **Size of Islands and Medians.** Islands and medians shall be a minimum of nine (9) feet in width.
- (1) The Planning Director may reduce the required width and/or length of an Interior Island by up to three (3) feet where existing site constraints make compliance impracticable, or where such reduction will allow preservation of existing trees.
- (2) Interior Islands less than five (5) feet in width, measured from the inside of

the curb, may be utilized but shall not be credited towards interior landscaping.

- (3) When a landscape island is less than fifteen (15) feet in width, the following are required within the estimated Critical Root Zone of the tree at maturity.
 - i. Structural soil or equivalent shall be utilized under any paved surface.
 - ii. Install an aeration system or utilize permeable pavement.

3. Trees.

- (1) Each landscape island shall have at least one large overstory existing tree or new tree planted within it and Ornamental Planting Bed is required per *Section 3.2(F) Ground Vegetation*.
- (2) One (1) large tree and two (2) medium trees shall be required for each thirty (30) linear feet of Landscape Median (or fraction above one half thereof).

4. Preserving Existing Trees with Parking Areas. When preserving existing trees within the parking area, landscape island width shall be as follows; in all instances, the planter soil depth shall be two and a half (2 1/2 feet).

- (1) Tree(s) of six (6) inches DBH or less shall have an island width of at least nine (9) feet.
- (2) Tree(s) of six (6) inches to twelve (12) inches DBH shall have an island width of at least fifteen (15) feet.
- (3) Tree(s) of greater than twelve (12) inches DBH shall have an island width of at least twenty (20) feet.

5. Stormwater. Islands may be designed to handle stormwater runoff. Refer to *Section IV.3 Stormwater Management*.

6. Lighting.

- (1) Lighting may be installed in parking interior islands but shall be at least fifteen (15) feet from trees.
- (2) Lighting shall be provided in a Landscape Median.

D. Tree Requirements. Trees shall be planted as follows.

1. Tree Requirements per Parking Space.

- (1) Each parking space shall be entirely located within fifty (50) feet of a tree in the interior of the parking lot.
- (2) A minimum of one (1) large overstory tree shall be planted within the parking lot interior or within four (4) feet of the parking lots' edge for every three (3) parking spaces.

- (3) Trees within a designated buffer area may not be utilized to meet this criterion.

E. **Other Potential Landscape Areas.** Internal areas not dedicated to parking or drives shall be landscaped as follows.

1. One (1) medium or large tree is required in such spaces for the first one-hundred fifty (150) square feet.
2. One (1) medium or large tree per each additional six-hundred fifty (650) square feet.

F. **Parking Perimeter Plantings.** Parking perimeter plantings shall be provided on the perimeter of all parking lots. Parking perimeter plantings shall comply with the following standards:

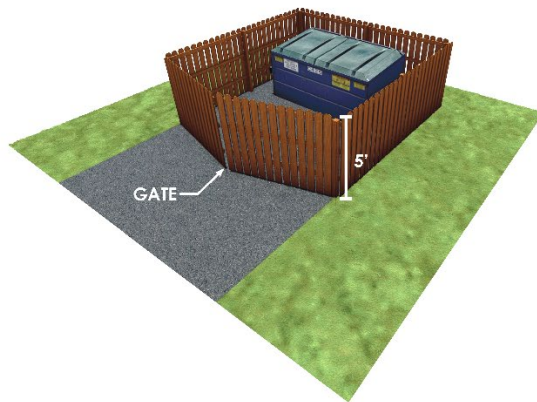
1. Required plant material shall be placed adjacent to the perimeter of the parking area.
2. Parking perimeter plantings shall consist of a single continuous row of shrubs planted no greater than three (3) feet on-center and within five (5) feet of the parking lot edge and may also include trees.
3. Shrubs used for parking perimeter planting shall be of a minimum height of thirty (30) inches above grade within three years of planting. Shrubs may not exceed a height of four (4) feet and shall be pruned and maintained.
4. Where parking lots are adjacent on different lots, parking perimeter plantings or other forms of screening are not required along the common boundary between the two parking lots. This includes developments configured as a single, unified development.

3.13. SCREENING OF OPEN STORAGE, REFUSE AREAS, AND UTILITY APPURTENANCES

- A. **Intent.** Screening reduces the visual impact of open storage, refuse areas, and utility appurtenances from public areas and adjacent properties.
- B. **Applicability.** All dumpsters, open storage, refuse areas, and utility appurtenances on all properties within all Zoning Districts.
- C. **Requirements: Open Storage and Refuse Areas.** Typical open storage or refuse screening is illustrated in *Figure III.3.7 Screening of Open Storage or Refuse Areas*.

1. **Opaque Screen Wall or Fence.** An opaque screen wall (vertical structured barrier to visibility such as a fence or wall) is required around three sides of the dumpster and trash bin area and shall match the primary material of the principal building.
2. **Screen Wall Height.** The height of the screen wall shall be the higher of the following.
 - (1) The height of the Use to be screened.
 - (2) Six (6) feet.
 - (3) A height sufficient in the judgment of the Code Administrator to accomplish the objective of the screen.
3. **Visible Openings.** Openings visible from the public way or adjacent properties shall be furnished with opaque gates.
4. **Location.** All open storage, refuse areas, and recycling areas shall be in the Rear Yard or within the building.
5. **Location within Parking Lot.** If refuse area is located within a larger paved area, such as a parking lot, landscape islands shall be located on three (3) sides of the area and planted per *Section III.3.12(E) Other Potential Landscape Areas*.

Figure III.3.7 Screening Of Open Storage or Refuse Areas



D. Requirements: Screening of Utility Appurtenances.

1. **Large Private Mechanical Equipment.** Private mechanical equipment visible from the Right- of- Way, which is equal to or greater than four (4) feet in height, and equal to or greater than six (6) feet in any one direction shall be fenced with opaque wood or brick-faced masonry on all sides facing the Right-of-Way.
2. **Small Private Mechanical Equipment.** Private mechanical equipment smaller

than four (4) feet in height shall have landscape screening and shrub bed containing shrubs spaced no more than thirty- six (36) inches on center.

E. Tree Preservation and Tree Planting Requirements for Scenic Corridor Buffer.

1. **Intent.** To preserve the existing trees and character of the Scenic Corridor and provide a tree preservation/ tree planting buffer between the Scenic Corridor and adjacent development.
2. **Applicability.** All Scenic Corridor Buffers as required by *Section IV.1.6.7 Scenic Corridor*.
3. **Tree Management.** Preserve existing trees within the buffer. Refer to *Section III.3.16 Tree Preservation and Management* for standards.
4. **Tree Canopy Coverage Requirements.** The following tree requirements for Scenic Corridor Buffer apply to every one hundred (100) foot segment of Scenic Corridor, for each side of the street within a site. Refer to *Section III.3.6.C General Requirements*.
 - (1) Minimum Five (5) large or Ten (10) medium overstory trees are required for each segment.
 - (2) Minimum Two (2) understory trees are required for each segment.
 - (3) Minimum Two evergreen trees are required for each segment.
 - (4) Planting locations may be adjusted within adjacent segments to accomplish a natural feel and respond to existing trees, in locations agreed upon per the Site Plan and Landscape Plan review process.
 - (5) Existing Tree Canopy may be utilized to meet these requirements per the Credit for Existing Trees at Scenic Corridors in Article IV (Appendix).
5. **Landscape Requirements.** Preserve, restore, and maintain the existing landscape as a Natural Landscape Area, per *Section III.3.5 Natural Landscape Area*.

3.14. LANDSCAPE REQUIREMENTS FOR THROUGH LOT LANDSCAPE EASEMENT

- A. **Intent.** To provide a landscape buffer between a major road and the rear of adjacent developments.
- B. **Applicability.** All landscape Easements required at Through Lots per *Section II.1 Zoning Regulations*.
- C. **Tree Canopy and Landscape Requirements.** The following tree and landscape

requirements are required within the landscape Easement.

1. One (1) large, medium, or small tree is required for every two thousand (2000) square feet of Landscape Area, with a mix of no more than fifty (50) percent any one size. Refer to *Section III.3.6.C General Requirements*.
2. A minimum of twenty (20) percent of the Easement shall consist of ornamental planting bed, refer to *Section III.3.2(F)(2) Ornamental Planting Beds*.
3. A minimum of sixty (60) percent of all plantings shall be evergreen.
4. Existing Tree Canopy may be utilized to meet this requirement. Refer to *Section III.3.6(D)(2) Existing Canopy Retention* for details.

3.15. FENCES AND WALLS.

A. **Intent.** These standards establish regulations to enhance quality of life, safety, and aesthetics of the City through regulating the erection of fences and walls.

B. **Applicability.** These standards apply to all Lots in all Zoning Districts.

C. **Requirements.** Fences and walls shall adhere to the following standards.

1. **Review and Permit Required.** All fences require review and approval through the Minor Site Plan Review process (*Section I.4.6.1 Minor Site Plan Review*), unless otherwise stated.
 - (1) Fences are considered part of a Lot's landscaping and shall be illustrated on a landscape plan (refer to *Section III.3.1.D Landscape Plan and Schedule*) when being reviewed.
2. **Height.** The maximum average height of any fence or wall shall be six (6) feet measured from the ground at the base of the fence or wall to the top of the fence boards or wall.
 - (1) Fences and walls located in the Front Yards shall be a maximum height of two and a half (2 1/2) feet with the following exceptions.
 - i. Solid fences located in the Front Yards in the RE and A Districts may be a maximum height of four (4) feet.
 - (2) Solid fences are not permitted within twenty-five (25) feet of any intersection of the Front and Corner Side Property Line.
 - (3) Solid fences and walls over two and a half (2 1/2) feet are not permitted within twenty-five (25) feet of an Open Water body.
 - (4) Posts, decorative columns, light fixtures, or other decorative details are permitted to exceed the height limit by up to one (1) foot.

- (5) On Lots with steep slopes at Property Lines, height may exceed six (6) feet up to a height that would not exceed six (6) feet above the existing Yard or house grade, but in no case, shall the height exceed ten (10) feet.
 - i. Design Review Commission (DRC) review through the Site Plan (*Section 1.4.6 Site Plan Review*) or Design Review Process (refer to *Section 1.4.9 Design Review Commission*) is required for all fences or walls exceeding six (6) feet in height because of steep slopes. Documentation justifying the additional height shall be provided, including such items as proof that a six (6) foot height fence or wall would not provide adequate privacy due to the slope.
- (6) DRC review through the Site Plan (*Section 1.4.6 Site Plan Review*) or Design Review Process (refer to *Section 1.4.9 Design Review Commission*) is required for athletic and agricultural fencing over six (6) feet.
- 3. **Drainage.** No fence or wall shall impede or divert the flow of water through any drainageway.
- 4. **Materials.** All fences and walls shall meet the following requirements.
 - (1) Brick, stone, wood, composite wood, or metal are permitted fence and wall materials.
 - i. PVC is permitted for all non-solid fencing on lots in residential districts.
 - ii. All materials shall be finished quality and durable, treated to prevent disease or decay.
 - iii. Through Lot fences and walls on the Rear Property Line shall be solid, consisting of stone or brick, or wood fences with masonry or stone columns a minimum of every fifty (50) feet on center.
 - iv. The Design Review Commission shall have the authority to permit alternative fence materials when such alternative is deemed by the Design Review Commission to be integral to and consistent with the development of the site.
 - (2) **Prohibited Materials.** Barbed wire, chain link, exposed cinder or concrete block, metal mesh, and razor wire and single wire fences are prohibited in all Yards with the following exceptions.
 - i. In RE and R1-RM1 districts, chain link, single wire, and metal mesh fencing are permitted for dog runs and Animal pens, if they are fully screened from view of the street.

- ii. In the M1-M3 districts, chain link and barbed wire fencing are permitted in Rear and Side Yards with DRC approval through the Site Plan (*Section I.4.6 Site Plan Review*) or Design Review Process (*Section I.4.9 Design Review Commission*).
 - iii. In the AG: Agriculture district, electric, metal mesh, and single wire fences are permitted in Rear and Side Yards, if warning signs two (2) square feet in area at installed at regular intervals with electric fencing.
 - iv. Chromate or vinyl coated chain link fabric fencing is permitted in the rear and side Yard in all districts, except for Through Lots.
- (3) **Finished Face.** The finished side of a fence shall face outward from the Lot.
- D. **Maintenance.** Fences and walls shall always be good condition by the Owner.

3.16. TREE PRESERVATION AND MANAGEMENT

3.16.1. GENERAL REQUIREMENTS.

- A. **Intent.** The disturbance of trees under any circumstances shall be regulated per the provisions of this Section with the following goals.
- 1. To preserve, protect, and enhance valuable natural resources and to protect the health, safety, and welfare of residents.
 - 2. To establish standards limiting the removal of and ensuring the replacement of trees sufficient to safeguard the ecological and aesthetic environment of the city.
 - 3. To prevent the unnecessary clearing and disturbing of land to preserve the natural and existing growth of vegetation and to replace removed trees with the same, comparable, or improved species.
 - 4. To guide the conservation, protection, maintenance, and establishment of trees to maximize Tree Canopy Coverage across the city and to preserve trees and community forest health.
 - 5. To establish provisions consistent with forestry policy and practice for urban areas promulgated by the State Division of Forestry in recognition that trees are a part of our heritage and our future, and that they are an essential part of the quality of life within the city.
 - 6. To maximize the benefits of trees and vegetation, including a reduction in the urban heat island effect, more sustainable management of stormwater, and filtration of particulate matter from the air, restoring oxygen to the atmosphere and reducing air pollution.

B. **Applicability.** The provisions in this Section apply to any site disturbance activity on any Lot, such as grade changes; construction, enlargement, or relocation of a Principal or Accessory Structure(s); development of such facilities as parking lots; and removal of trees not associated with construction or Subdivision activity, with the following exemptions.

1. Certified tree farms with a Timber Harvesting Plan filed with the Code Administrator are exempt from the tree removal requirements (refer to *Section I.4.11. Tree Removal Permit*).
2. Removal of trees from Lots Zoned Agriculture, except as noted in *Section II.2.2.3(X) Agriculture*.
3. Removal of hazardous trees and vegetation in accordance with the City's Municipal Code.
4. In case of emergencies, such as tornado, windstorm, flood, ice storm or other disasters, the requirements of these regulations may be waived by the Arborist or other designated official, upon a finding that such waiver is necessary so that public or private work to restore order in the City of Lakeland will not be impeded.

C. **General Requirements.** The following general requirements apply.

1. **Measuring and Noting Existing Tree Size.** Tree size for existing trees shall be measured at four and a half (4 1/2) feet above the mean grade of the tree's trunk, noted as diameter breast height (DBH).
2. **Replacement Tree Installation Standards.** Refer to *Section III.3.2 Installation and Maintenance* for new tree installation requirements, including but not limited to size, process, maintenance, and tree establishment security.
3. **Characteristics of Replacement Trees.** The following characteristics shall be considered when designing the Tree Replacement Plan.
 - (1) All replacement trees shall have similar characteristics of the removed tree(s), such as height and spread at maturity.
 - (2) Replacement trees shall be selected based on the characteristics of the site, such as soil conditions, available light, and anticipated use.
 - (3) An appropriate mix of species, deciduous and evergreen trees, and flowering and non- flowering trees shall be utilized. A monoculture is not permitted. Refer to *Section III.3.2(E)(5)(4) Species Composition* for guidance on appropriate mix.
4. **Referenced Standards.** The standards and regulations contained in the City

Zoning Ordinance, the Lakeland Design Review Guidelines and ordinances relating to the same, and those standards of the American National Standards Institute (ANSI) Standards for Tree Care Operations (ANSI A300) or the International Society of Arboriculture (ISA) publication Principles and Practice of Planting Trees and Shrubs, which are incorporated herein by reference as if fully set forth, are an integral part of this chapter. Where provisions of this chapter conflict with a standard of the ANSI A300 guidelines, the ISA guidelines, the Design Review Guidelines or other ordinances or regulations of the city, the most stringent provision shall be enforced. The provisions of this chapter are considered minimum requirements.

D. **Definitions.** Refer to *Section 1.2 Definitions*.

3.16.2. PLANS AND SURVEYS

A. **Intent.** The plans and surveys detailed here aim to achieve the following goals.

1. To ensure that development plans consider the existing tree cover in their design.
2. To ensure that preserved trees are properly protected during site disturbance.
3. To ensure that appropriate removal and replacement standards are followed.

B. **Applicability.** The survey and plans associated with this Section are required as a part of various development activities and processes, as are detailed in *Section 1.4 Process, Criteria, and Application*.

C. **General Requirements.** All plans and surveys shall have a title block, including north arrow, graphic and written scale, street address, legal description, date of preparation, and the name, address, and telephone number of person preparing plan. The Plan is to be prepared by a Certified Arborist or a Professional Landscape Architect, or a combination of both.

D. **Tree Survey.** A Tree Survey indicates the type, size, and health of trees on a Parcel and shall be utilized to inform the planning and design of said Parcel's development.

1. **Timing.** Tree Surveys are completed as a preliminary step in a Parcel's development, to ensure that its results appropriately inform the development's design (refer to *Section 1.4 Process, Criteria, and Application* for information on which development processes require its completion).
2. **City Approval.** The Tree Survey shall be reviewed, and the proposed protection and removal of trees shall be approved or disapproved with the development approval application (refer to *Section 1.4 Process, Criteria, and Application*)

3. **Survey Expiration.** Tree surveys are considered valid for a period of five (5) years, and upon expiration, if construction is not complete, a new survey shall be submitted.
4. **Survey Requirements.** On a topographic survey, the following shall be indicated for all trees equal to and greater than ten (10) inches DBH.
 - (1) Species (common and scientific names), size, and health.
 - (2) Location.
 - (3) Proposed designation as to be preserved or removed.
 - (4) Existing Tree Canopy.
 - i. Delineate Canopy to be removed in gray.
 - ii. Assume two (2) feet of canopy per one (1) inch of tree at DBH.
 - (5) Delineate Conservation and Priority Areas, Landmark Trees, Specimen Trees, and Forest Stand Groups.
 - (6) Denote the percentage of Tree Canopy Coverage Requirements (refer to *Section III.3.6 Residential Tree Canopy Requirements through Section III.3.9 Open Space Type Tree Canopy Requirements*) met through preservation of existing trees.
 - (7) Existing structures, power lines, easements, and other similar features.
- E. **Tree Replacement Schedule for Preliminary Plat Process.** The Tree Replacement Schedule illustrates the quantity of trees to be removed and replaced, the general locations available for the planting of replacement trees, and the proposed contribution to the Tree Bank.
 1. **Timing.** The Tree Replacement Schedule shall be completed at the beginning of the development process to assist with the design of the development. Tree Replacement Schedules are required per *Section I.4.3.2 Preliminary Plat*.
 2. **City Approval.** The Tree Replacement Schedule shall be reviewed and the proposed replacement shall be approved or disapproved with the Preliminary Plat application (refer to *Section I.4.3.2 Preliminary Plat*).
 3. **Schedule Requirements.** Tree Replacement Schedules shall detail the following.
 - (1) Location of all available planting areas including Landscape Areas; frontage buffers, side and rear buffers, interior parking lot landscaping, Open Spaces, stormwater basins, and Streamside Management Buffers. Include square footage calculations for each available planting area.
 - (2) Areas unavailable for planting such as existing and proposed structures,

utility locations (water, sewer, stormwater, gas, and electric), Easements, water bodies, and others.

- (3) Dimensioned Property Lines.
- (4) Location of existing trees proposed to be preserved and which will be counted toward canopy coverage requirements (refer to *Section III.3.6(D) Tree Canopy Coverage Requirements*).
- (5) Summary table of all trees proposed to be removed and the proposed number of replacement trees to be planted by tree size (large, medium, small) and type, including but not limited to such types as overstory deciduous shade tree, evergreen tree, understory tree, ornamental tree.
- (6) Proposed contribution to the Tree Bank, including the number and size of trees for which the contribution is being made and the associated dollar amount. Refer to *Section III.3.16.6 Tree Bank* for details and permission requirements.

F. Tree Replacement Plan. The Tree Replacement Plan illustrates the location, quantity, and quality of tree(s) to be planted on a site.

1. **Timing.** Tree Replacement Plans are required per *Section I.4. Process, Criteria, and Application*.
2. **City Approval.** The Tree Replacement Plan shall be reviewed, and the proposed replacement shall be approved or disapproved with the applicable development approval applications (refer to I.4 of the Land Development Regulations).
3. **Plan Requirements.** Tree Replacement Plan shall detail the following.
 - (1) Dimensioned Property Lines.
 - (2) Existing and proposed structures, utilities (water, sewer, stormwater, gas, and electric), Easements, grading, and Open Space and recreation.
 - (3) Project descriptions, including phasing details.
 - (4) Construction information, including construction equipment points of access, temporary roads, and location of staging areas for vehicles, material storage, and other related activities.
 - (5) Tree Survey.
 - (6) Critical Root Zone of preserved trees.
 - (7) Proposed method(s) and placement of tree protection.
 - (8) Special treatment plan, if applicable. Refer to *Section III.3.16.9(E) Special Treatment*.

3.16.3. LANDMARK TREES

- A. **Intent.** To identify and preserve irreplaceable trees within the City.
- B. **Applicability.** The Landmark Tree designation applies to all trees on all Lots in all Zoning Districts that meet the parameters of this subsection.
- C. **General Requirements.** A Landmark Tree is a high value tree, as determined by a certified forester, certified arborist, or Landscape Architect, using the following criteria.
1. **Qualifying Tree Type.** Tree shall not be listed on the most recent edition of the Tennessee Invasive Exotic Plant List Size Criteria. Tree shall meet one (1) of the following parameters.
 - (1) Tree shall equal or exceed sixty (60) inches DBH.
 - (2) A lesser sized tree of historical significance listed on the Tennessee Champion Tree list or Tennessee Landmark and Historic Tree Registry, as maintained by the Tennessee Division of Forestry.
 2. **Condition Criteria.** All Landmark Trees shall be in fair or better condition and shall meet the following minimum standards.
 - (1) A life expectancy of greater than fifteen (15) years.
 - (2) A structurally sound trunk without having extensive decay.
 - (3) No more than one (1) major and several minor dead limbs.
 - (4) No major insect or pathological problems.
- D. **Removal and Replacement Parameters.** Site design shall take the existence of Landmark Trees into consideration. These trees shall only be removed if, through the Tree Removal Permit process (*Section I.4.11 Tree Removal Permit*), the City finds other site development configurations are not viable and only in accordance with the following.
1. **Tree Removal Permit.** Requires approval of a Tree Removal Permit (refer to *Section I.4.11 Tree Removal Permit*).
 2. **Tree Replacement.** Removed Landmark Trees on any Lot shall be replaced per the following.
 - (1) **Rate.** Trees shall be replaced at a rate of two hundred (200) percent of the DBH inches removed.
 - (2) **Tree Replacement Plan Required.** Proposed replacement trees shall be reviewed and considered for approval through the submittal of a Tree Replacement Plan (refer to *Section III.3.16.2(F) Tree Replacement Plan*).

- (3) **Installation.** Replacement trees shall meet the requirements of *Section III.3.2 Installation and Maintenance*, including but not limited to quality, size, and species.
- (4) **Replacement Parameters.** As many replacement trees shall be planted on the Applicant's Property as the site will support within the following parameters, as illustrated on the Tree Replacement Plan (refer to *Section III.6.16.2(F) Tree Replacement Plan*).
 - i. Trees installed on the Applicant's Property per the requirements in *Section III.3 Landscape Standards*, may be utilized to satisfy tree replacement requirements.
 - ii. Additional trees not required per *Section III.3 Landscape Standards* shall be planted in Landscape Areas, any Streamside Management Buffers, Scenic Corridor Buffers, and/or Open Space Types, at or not to exceed one (1) tree per two thousand (2,000) square feet to meet the replacement requirements.
 - iii. Replacement trees shall be placed on site at the maximum the site can support based on installation standards per *Section III.3 Landscape Standards*.
 - iv. The replacement inches not physically planted shall be handled through a monetary contribution to the Tree Bank (refer to *Section III.3.16.6 Tree Bank*).
 - v. Plantings on Parcels other than those included in the Application are not permitted to serve as replacement trees.
- (5) **Single Family Lot Exception.** Replacement of Landmark Trees removed from a Single- Family Lot is only required up to the point where that Lot satisfies the Tree Canopy Coverage Requirements (refer to *Section III.3.6 Residential Tree Canopy Requirements*). If a Lot meets the Tree Canopy Coverage Requirement with existing trees six (6) inches DBH or larger prior to the installation of replacement trees, no replacement is required.
- E. **Tree Protection Security.** Security is required for Landmark Trees designated as preserved on all Lots undergoing site disturbance (refer to *Section III.3.16.8 Tree Protection Security*).
- F. **Protection During Construction.** Refer to *Section III.3.16.9 Tree Protection During Construction* for specific protection methods for Landmark Trees.

3.16.4. SPECIMEN TREES.

- A. **Intent.** To identify and preserve large, healthy trees within the City and to establish parameters for their removal and replacement.
- B. **Applicability.** The Specimen Tree designation applies to all trees on all Lots in all Zoning Districts that meet the parameters of this subsection.
- C. **General Requirements.** A Specimen Tree is a high value tree, as determined by a registered forester, certified arborist, Landscape Architect, or other City approved professional arborist or forester using the following criteria.
1. **Qualifying Tree Type.**
 - (1) Tree shall not be listed on the most recent edition of the Tennessee Invasive Exotic Plant List.
 - (2) Trees listed on the City's recommended species list, available at City Hall.
 2. **Size Criteria.** Tree shall meet one (1) of the following parameters.
 - (1) Tree shall measure at least twenty-four (24) inches and less than sixty (60) inches DBH.
 - (2) A lesser sized tree, if it meets any one (1) of the following criteria:
 - i. Rare or unusual species, including but not limited to, species federally or state listed as endangered, threatened, or of special concern.
 - ii. Exceptional or unique quality, including but not limited to, a tree that is the only species of its kind or size within the project area, or a tree that provides habitat for a species that is state or federally listed as endangered, threatened, or of special concern. Special concern includes any species or subspecies of plant that is uncommon in Tennessee or has unique or highly specific habitat requirements or scientific value and, therefore, requires careful monitoring of its status.
 - iii. **Condition Criteria.** All Specimen Trees shall be in fair or better condition and shall meet the following minimum standards.
 - a. A life expectancy of greater than fifteen (15) years.
 - b. A structurally sound trunk without having extensive decay.
 - c. No more than one (1) major and several minor dead limbs.
 - d. No major insect or pathological problems.
- D. **Removal and Replacement Parameters.** Site design shall take the existence of Specimen Trees into consideration. Removal of Specimen Trees shall adhere to the

following.

1. **Tree Removal Permit.** Requires approval of a Tree Removal Permit (refer to *Section I.4.11 Tree Removal Permit*).
2. **Tree Replacement.** Removed Specimen Trees shall be replaced per the following parameters.
 - (1) **Exception for Single Family Lots.** Replacement of Specimen trees removed from a Lot for Single Family is only required up to the point where that Lot satisfies the Tree Canopy Coverage Requirements (refer to *Section III.3.6 Residential Tree Canopy Requirements*). If a Lot meets the Tree Canopy Coverage Requirement with existing trees six (6) inches DBH or larger prior to the installation of replacement trees, no replacement is required.
 - (2) **Rate.** Trees shall be replaced at a rate of one hundred (100) percent of the DBH inches removed.
 - (3) **Tree Replacement Plan Required.** Proposed replacement trees shall be reviewed and considered for approval through the submittal of a Tree Replacement Plan (refer to *Section III.6.16.2(F) Tree Replacement Plan*).
 - (4) **Installation.** Replacement trees shall meet the requirements of *Section III.3.2 Installation and Maintenance* of the Land Development Regulations, including but not limited to quality, size, and species.
 - (5) **Replacement Parameters.** As many replacement trees shall be planted on the Applicant's Property as the site will support within the following parameters, as illustrated on the Tree Replacement Plan (refer to *Section III.6.16.2(F) Tree Replacement Plan*).
 - i. Trees installed on the Applicant's Property per the Landscape requirements in *Section III.3 Landscape Standards* of the Land Development Regulations may be utilized to satisfy tree replacement requirements.
 - ii. Additional trees not required per *Section III.3 Landscape Standards* shall be planted in Landscape Areas, any Streamside Management Buffers, Scenic Corridor Buffers, and/or Open Space Types, at or not to exceed one (1) tree per two thousand (2,000) square feet to meet the replacement requirements.
 - iii. Replacement trees shall be placed on site at the maximum the site can support based on installation standards per *Section III.3 Landscape*

Standards.

- iv. The replacement inches not physically planted shall be handled through a monetary contribution to the Tree Bank (refer to *Section III.3.16.6 Tree Bank*). A lot recorded for or developed with single family development is exempt from this requirement.
 - v. Plantings on Parcels other than those included in the Application are not permitted to serve as replacement trees.
- E. **Tree Protection Security.** Security shall be required for Specimen Trees designated as preserved on all Lots undergoing site disturbance (refer to *Section III.3.16.8 Tree Protection Security*).
- F. **Protection During Construction.** Refer to *Section III.3.16.9 Tree Protection During Construction* for specific protection methods for Specimen Trees.

3.16.5. STANDARD TREES

- A. **Intent.** To establish parameters for the reasonable removal and replacement of Standard Trees within the City.
- B. **Applicability.** These standards apply to all trees not designated as Landmark or Specimen Trees on all Lots in all Zoning Districts that meet the parameters of this subsection.
- C. **General Requirements.** These trees meet the following criteria, as determined by a registered forester, certified arborist, Landscape Architect, or other City approved professional arborist or forester.
- 1. **Qualifying Tree Type.**
 - (1) Tree shall not be listed on the most recent edition of the Tennessee Invasive Exotic Plant List.
 - (2) Trees listed on the City's recommended species list, available at City Hall.
 - 2. **Size Criteria.** Trees not designated as Landmark or Specimen Trees that are greater than or equal to ten (10) inches DBH.
 - 3. **Condition Criteria.** Trees shall be in fair or better condition and shall meet the following minimum standards.
 - (1) A life expectancy of greater than fifteen (15) years.
 - (2) A structurally sound trunk without having extensive decay.
 - (3) No more than one (1) major and several minor dead limbs.
 - (4) No major insect or pathological problems.

D. Removal and Replacement Parameters. Retention of these and larger trees is encouraged, and site design shall take the existence of trees into consideration. Removal shall adhere to the following.

1. **Tree Removal Permit.** Requires approval of a Tree Removal Permit (refer to *Section I.4.11 Tree Removal Permit*).

(1) **Exception.** A permit is not required if all the following are met.

- i. Lot is developed with or will be developed for single family.
- ii. Lot will be able to meet the Tree Canopy Coverage Requirements with existing trees six (6) inches DBH or larger, despite the proposed removal.
- iii. The trees proposed for removal are each under ten (10) DBH inches.

2. **Tree Replacement.** Removed trees shall be replaced per the following parameters.

(1) **Single Family Lots.**

- i. Replacement is not required for Lots meeting the exception criteria in *Section III.3.16.5(D)(1) Exception*, above.
- ii. Replacement is only required up to the point of meeting the Tree Canopy Coverage Requirements (refer to *Section III.3.6 Residential Tree Canopy Requirements*) with existing trees six (6) inches DBH or larger.

(2) **Rate for Non-Single Family Lots.** Trees shall be replaced at a rate of fifty (50) percent of the DBH inches removed.

(3) **Tree Replacement Plan Required.** Proposed replacement shall be reviewed and considered for approval through the submittal of a Tree Replacement Plan (refer to *Section III.6.16.2(F) Tree Replacement Plan*).

(4) **Installation.** Replacement trees shall meet the requirements of *Section III.3.2 Installation and Maintenance*, including but not limited to quality, size, and species.

(5) **Location.** Planting of replacement inches shall be on the Applicant's Property.

- i. Trees installed on the Applicant's Property per the Landscape requirements in *Section III.3 Landscape Standards* may be utilized to satisfy tree replacement requirements.
- ii. Plantings on Parcels other than those included in the Application are not permitted to serve as replacement trees.

(6) **Tree Bank Contribution for Non-Single- Family Lots.** The replacement

inches not physically planted shall be handled through a monetary contribution to the Tree Bank (refer to *Section III.3.16.6 Tree Bank*).

3. **Thinning.** Standard Trees may be removed without replacement requirements if a thinning plan is developed and approved with the following criteria.
 - (1) The proposed thinning is to promote the health of the forested area.
 - (2) Thinning plan shall be developed by a certified forester, registered professional forester, or Landscape Architect.
 - (3) The plan shall be considered for approval through the Tree Removal Permit process. Refer to *Section I.4.11 Tree Removal Permit*.

- E. **Tree Protection Security.** Security may be required for trees designated as preserved on all Lots undergoing a site disturbance (refer to *Section III.3.16.8 Tree Protection Security*).

3.16.6. TREE BANK

- A. **Intent.** To provide a method of compliance with the tree replacement requirements of the Tree Management Ordinance. It is intended for circumstances where on-site planting of replacement trees is not possible due to the physical condition of a Lot, when Tree Canopy requirements cannot be met due to site constraints, or for mitigation of violations.
- B. **Applicability.** A contribution may be made to the Tree Bank by any Applicant or property Owner responsible for replacing removed trees, with City approval.
- C. **Authority.** Utilization of the Tree Bank requires the City's approval.
 1. Proposed use of the Tree Bank shall be detailed by the Applicant (refer to *Section III.3.16.6 Tree Bank*).
 2. City shall review the proposed Tree Bank contributions and related Tree Replacement submitted with the Applicant's development application(s). See *Section I.4 Process, Criteria, and Application* for complete details on applicable processes.
 3. The Natural Resources Board (NRB) shall review proposed Tree Bank donations during the application process and provide a recommendation to the MPC for Plats or Site Plans, or to the Code Administrator for Minor Site Plans and Tree Permits.
 4. All Tree Bank contributions require Code Administrator approval concurrent with the application process for the development (refer to I.4 of the Land Development Regulations) or through the Tree Removal Permit process without a development

process application (refer to I.4.S of the Land Development Regulations).

D. **Contributions.** Contributions are calculated as follows:

1. **Landmark Trees.** Contribution is determined by the valuation formula provided in the current edition of the Guide for Plant Appraisal, as published by Council of Tree and Landscape Appraisers (CTLA).
2. **Specimen Trees.** Contribution is determined by the valuation formula provided in the current edition of the Guide for Plant Appraisal, as published by Council of Tree and Landscape Appraisers (CTLA).
3. **Standard Trees.** Contribution is determined by multiplying one hundred and twenty-five (125) dollars by the DBH inches that are not to be planted on-site.
4. **Amounts.** The total value of trees removed from a site shall be calculated per the specifications of this Section. This total value shall be multiplied by the percentage of the tree replacement inches not physically planted on site to determine the amount of Tree Bank contribution.

E. **Other Donations.** Tree protection and establishment securities (refer to *Section III.3.16.8 Tree Protection Security*) forfeited due to failure to comply with these provisions shall be deposited in the Tree Bank.

3.16.7. VIOLATIONS

- A. **Intent.** To provide the City with specific recourse if the provisions of this Section are not adhered to.
- B. **Applicability.** In addition to the standards outlined in *Section I.1.11 Violations and Penalties*, the following may be applied to Owners in violation of the provisions of this Section.
- C. **Penalties.** The following penalties may be applied to Owners found in violation of this Section.
1. **Revoke Permits.** The City may revoke any permits until the matter is resolved.
 2. **Required Tree Replacement.** Illegally removed trees shall be replaced as follows.
 - (1) Landmark Trees shall be replaced per the replacement standards and rate defined in *Section III.3.16.3. Landmark Trees*.
 - (2) Specimen Trees shall be replaced per the replacement standards and rate defined in *Section III.3.16.4. Specimen Trees*.
 - (3) Standard Trees shall be replaced per the replacement standards and rate defined in *Section III.3.16.5. Standard Trees*.

3. **Tree Bank Donation.** Tree Bank donations (refer to *Section III.3.16.6 Tree Bank*) shall be made at the following rates:
 - (1) **Landmark Trees.** Contribution is determined by the valuation formula provided in the current edition of the Guide for Plant Appraisal, as published by Council of Tree and Landscape Appraisers (CTLA).
 - (2) **Specimen Trees.** Contribution is determined by the valuation formula provided in the current edition of the Guide for Plant Appraisal, as published by Council of Tree and Landscape Appraisers (CTLA).
 - (3) **Standard Trees.** Contribution is determined by multiplying one hundred and twenty-five (125) dollars per DBH inches removed.
4. **Administrative Fees.**
 - (1) Landmark Tree violations shall pay a \$5,000 administrative fee per tree.
 - (2) Specimen Tree violations shall pay a \$4,000 administrative fee per tree.
 - (3) Standard Tree violations shall pay a \$2,000 administrative fee per tree.
5. **Required Replacement.** Imposition of any penalty for a violation of this subsection shall not be construed as a waiver of the right of the City to collect from the defendant the cost of tree work done by the City which the defendant was required but failed to act upon.

3.16.8. TREE PROTECTION SECURITY.

- A. **Intent.** To ensure that trees designated to be protected during site development are appropriately managed.
- B. **Applicability.** Security is required under the following circumstances.
 1. For those receiving Plat, construction plans, or Site Plan approvals (refer to *Section I.4 Process, Criteria, and Application*) or other development or building permits that have Landmark, Specimen, and/or Standard trees designated to be protected during site development activities.
 2. For those receiving Minor Site Plan approvals that have Landmark trees designated to be protected during site development activities.
- C. **Tree Protection Security.** Security requires an escrow deposit, or irrevocable letter of credit in an amount equal to the cost of replacing the trees designated as to be protected (using the Council of Tree and Landscape Appraiser's or similar City approved organization's tree appraisal estimates) and associated labor.
 1. When the project involves a development agreement (refer to *Section I.5.1*

General Requirements), this requirement shall be included in this agreement; a separate security is not required.

2. Security shall be held for two (2) years from the date of receipt of the Certificate of Compliance (*Section I.4.10 Certificate of Compliance*) or certificate of completion, unless violations of the Tree Protection Plan (refer to *Section III.6.16.2(F) Tree Replacement Plan*) or the standards outlined in *Section III.3.16.9 Tree Protection During Construction* were cited. If violations were found, the security shall be held for a period of five (5) years.
3. Security may be released at the end of time periods established in *Section III.3.16.8(C) Tree Protection Security*) only if the tree(s) are not dead, partially dead, or if none of the following is visible:
 - (1) Undersized leafing.
 - (2) No new growth.
 - (3) Wilting or browning of leaves.
 - (4) Signs of insects, disease, or pests.

3.16.9. TREE PROTECTION DURING CONSTRUCTION

- A. **Intent.** Protection measures shall be undertaken to preserve designated trees and stands during site development and construction.
- B. **Applicability.** On all Lots in all Zoning Districts, trees determined to be preserved, shall be protected utilizing the provisions outlined herein. The tree and/or any Critical Root Zone of a protected tree on adjacent lots shall be protected.
- C. **Tree Protection Plan.** An approved Tree Protection Plan, detailing which of the following protection methods shall be utilized, is required prior to commencing any site clearing or disturbance activities (refer to *Section III.6.16.2(F) Tree Replacement Plan*).
- D. **Prohibited Activities.** Within protection areas, the following activities shall be prohibited:
 1. Vehicle traffic or parking.
 2. Materials or equipment storage.
 3. Soil disturbance.
 4. Soil excavation.
 5. Removal of topsoil.
 6. Trenching.

7. Soil fill.
 8. Change in soil pH.
 9. Change in soil drainage.
 10. Equipment washouts or disposal (including concrete).
 11. Fires.
 12. Chemical or trash disposal.
 13. Other activities harmful to the trees as determined by the Code Administrator.
- E. **Special Treatment.** To ensure the health of certain preserved trees, unique care may be required for protected trees during a site disturbance.
1. **Triggers for special treatment.**
 - (1) All Landmark Trees shall be under the care of a certified arborist or forester.
 - (2) City may require special treatment for Specimen Trees as a condition of approving the Tree Protection Plan (refer to *Section III.6.16.2(F) Tree Replacement Plan*).
 - (3) During the site disturbance or construction activity, the City may require special treatment if:
 - i. A violation of the tree protection standards is found.
 - ii. A preserved tree, regardless of classification, is found to be stressed or in poor health.
- F. **Requirements.** All treatments shall be submitted for consideration of approval by the City. A certified arborist or forester shall perform the following at the discretion of the City.
1. Visually inspect trees and perform any testing required.
 2. Develop special treatment based upon conditions of the tree.
 3. Conduct inspections to monitor treatment progress.
- G. **Protection Methods During Construction.** Protective barriers are required to prevent tree injuries caused by soil compaction, unnecessary cutting of roots, fire, tree damage caused by heavy equipment, carelessness with tools or girding with guy wires and injury caused by solvents, paints, oils, or other chemicals.
1. **Protect the Critical Root Zone.** Enclose preserved trees in designated tree protection areas, noting location on the Tree Protection Plan, with standard orange barricade fencing or comparable fencing material approved by the Code Administrator.
 - (1) Such fencing shall be at least four (4) feet in height and supported by metal

channel posts spaced a maximum of ten (10) feet on center.

- (2) Fencing shall be placed around all trees to be preserved.
- (3) Barrier shall be easily visible to equipment operators.
- (4) Hand tools only shall be utilized to remove brush or weeds within the barrier.
2. **Sediment and Siltation.** In addition to the protection fencing, filter fabric fence, silt fence, or heavy-duty silt fence (Type C per the Tennessee Department of Environment and Conservation) may be required along the limits of grading to protect the areas of tree preservation from sediment and siltation.
3. **Bark Protection.** Tree trunks within fifteen (15) feet of a building site or access road shall be wrapped with sections of protection fencing or boards wired together.
 - (1) No nails or spikes shall be driven into preserved trees.
 - (2) No preserved trees shall be used for signs, fencing, roping, or cables.
4. **Watering.** Regular watering may be required.
5. **Mulch.** Critical Root Zone shall be mulched with a minimum of three (3) and a maximum of eight (8) inches of organic mulch material such as pine, straw, wood chips, tree leaves, or compost.
6. **Construction Dust.** Tree Leaves shall be kept free of construction dust to prevent desiccation.
7. **Felled Trees.** Trees to be removed from the site shall be felled away from Protection Zones and shall not damage any trees to be retained.
- H. **Grade Changes.** Grading in and around the Critical Root Zone of a tree shall adhere to the following.
 1. Grading within the Critical Root Zone of Landmark and Specimen Trees are prohibited.
 2. Grading along the perimeter of the Critical Root Zone for Landmark and Specimen Trees may occur providing the following parameters.
 - (1) **Raising of Grade.** Up to a three (3) feet change is permitted along the perimeter of a tree's Critical Root Zone if an aeration system and retaining wall are installed.
 - (2) **Lowering of Grade.** Grade shall not be lowered more than two (2) feet along the Critical Root Zone's perimeter. Terracing away from the Critical Root Zone is permitted at increments of two (2) feet.
 - (3) **Positive Drainage.** Significant changes in drainage shall be rectified by cutting Swales or other means previously approved in the Tree Protection

Plan (refer to *Section III.6.16.2(F) Tree Replacement Plan*).

- (4) **Fine Grading.** All fine grading within the Critical Root Zone shall be done by hand.
3. Grading within and around the Critical Root Zone of a Standard Tree is permitted with the following requirements.
 - (1) Avoid grade changes within the Critical Root Zone if alternatives are feasible.
 - (2) Grading is prohibited within the fifty (50) percent of the Critical Root Zone adjacent to the protected tree's trunk or half of the radius of the Critical Root Zone measured from the trunk.
 - (3) Grade Change. Up to one (1) foot of change, raising or lowering, is permitted in the outer Critical Root Zone.
 - (4) Positive Drainage. Significant changes in drainage within and along the Critical Root Zone shall be rectified by cutting Swales or other means previously approved in the Tree Protection Plan (refer to 13-402(7)).
- I. **Excavation.** Excavation is not permitted within the Critical Root Zone of Landmark and Specimen Trees. For all other trees, minimize the damage by limiting excavation and providing proper root care after any excavation.
 1. Utility Easements shall not be routed within the Critical Root Zone of a tree unless otherwise approved because:
 - (1) No other route is practical.
 - (2) Tunneling under the roots with a power- driven soil auger is impractical or financially infeasible in relation to the value of the tree.
 2. **Root Protection.** When excavating in the Critical Root Zone, the following cautionary steps shall be taken.
 - (1) Minimize the number of roots cut, especially structural roots.
 - (2) Make clean cuts with proper tools and re-trim the roots after excavation.
 - (3) Keep exposed roots moist by covering with burlap or similar material and watering at least once per day until trench is filled.
 - (4) To minimize the time roots are exposed to the air, backfill the trench as soon as possible after excavation, leaving no pockets of air.
 - (5) Mix peat moss with fill soil to promote new root growth.
- J. **Removal of Tree Protection.** Protective fences and barriers around trees shall be removed only as the final stage of post-construction cleanup.

3.16.10. MUNICIPAL TREE MANAGEMENT

- A. **Intent.** The intent of this Section is to provide standards and protocols for municipal tree management within the City of Lakeland.
- B. **Applicability.** The provisions of this Section, which shall be consistent with forestry policy and practice for urban areas promulgated by the Tennessee Department of Agriculture, Division of Forestry, shall be applicable to all trees located on lands for which the City has responsibility and authority for tree management, public trees, or as otherwise specified in this Section.
- C. **Tree Planting.** No person, organization, firm, or corporation shall plant or cause to be planted any public tree without first obtaining written approval from the Arborist, or his duly authorized representative. Further, any planting of a public tree shall conform to, and the Arborist shall base the approval or disapproval of any public tree planting request on the standards set forth in this Section.

1. Source of supply

- (1) All plant materials supplied shall conform to the latest edition of the American Standard for Stock, as approved by the American National Standards Institute, Inc.
- (2) All trees may be inspected and approved by the Arborist, or his duly authorized representative, at the source of supply prior to digging. All materials are to be of the highest quality.
- (3) All plant materials shall have been grown under climatic conditions like those in the City.
- (4) All plants shall be typical of their species or variety and shall have a sufficient normal growth of spread and height. They shall be sound, healthy, and vigorous, well-branched and densely foliated when in leaf. They shall be free of disease, insect pests and larvae. They shall have healthy, well-developed root systems. One-sided plants or plants taken from tightly planted nursery rows will be rejected.

2. Inspection

- (1) All plant material may be inspected and approved by the Arborist, or his duly authorized representative, prior to digging. Inspection and approval by the Arborist, or his duly authorized representative, at the source of supply does not abdicate the right of the Arborist to reject any materials after they have

been delivered to the site. A final determination of acceptability of the material will be made at the time of delivery. The city will notify the nursery either by phone or in writing no more than five days after delivery of all materials not acceptable to the Arborist.

- (2) Plant material certificates of inspection, where required by federal, state, or other governmental agencies, are to accompany all shipments.

3. **Planting**

- (1) All trees planted on public property shall be of a kind (species) referenced on the city's recommended Tree Species Selection List, on file with the City.
- (2) To curtail the spread of disease or insect infestation in a plant species, no more than 40 percent of the trees to be planted on a site shall be of one genus.
- (3) Trees should be placed in a configuration that promotes energy conservation in buildings, through the moderating effects of shade and the manipulation of air currents provided by the strategic location of trees.
- (4) Tree planting operations should be scheduled to complete the work within a time which is advantageous to the survival of the tree.
- (5) Trees shall be planted in accordance with ISA Guidelines.

4. **Tree Spacing.** The spacing of planted trees shall be in accordance with the two species size classes listed in the City of Lakeland Tree Species Selection List with no trees planted closer than the following:

- (1) Understory Trees – 15 feet apart, as measured from the center of the tree trunk.
- (2) Overstory Trees – 30 feet apart, as measured from the center of the tree trunk.
- (3) A proposal to vary from these spacing requirements by grouping trees to achieve a special landscape effect may be approved by the arborist.

5. **Tree location.**

- (1) No overstory trees shall be planted under or within ten (10) lateral feet of any overhead utility transmission line nor within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.
- (2) No tree shall be planted closer than ten (10) feet to a fire hydrant, utility pole or streetlight. No overstory tree shall be planted within four (4) feet of any curb or sidewalk. No tree shall be planted in such a way as to obstruct the

vision within the 'sight triangle' as defined in the City of Lakeland Engineering Standards.

- (3) Trees that are to be planted shall be selected from species suitable for the proposed site conditions, including but not limited to, soil moisture, pH, and light requirements.

D. Tree Maintenance. It shall be unlawful for any person, organization, firm, corporation, or city department to perform maintenance as described herein on any public tree, as defined in this ordinance, in a manner inconsistent with ANSI A300 standards for tree care or in a manner that would violate the provisions of this Section. Further, it shall be unlawful for any person, organization, firm, or corporation to perform maintenance as described herein on any public tree without first obtaining written authorization and approval from the Arborist, or his duly authorized representative. This approval or disapproval shall be based on the following standards and the ANSI A300 standards for tree care.

1. **Topping.** The practice of tree topping, as defined in this ordinance, is prohibited on all public trees.

2. **Pruning**

- (1) Tree pruning shall be performed in a manner that protects the public. Public trees and private trees, as defined in this chapter, the branches of which suspend over public sidewalks and roadways shall be pruned by the responsible party to meet the following standards:

- i. the area above a sidewalk surface must be clear of branches for a minimum of eight (8) feet.
- ii. the area above a street surface must be clear of branches for a minimum of twelve (12) feet.
- iii. tree branches must not obstruct the view from the roadway of any street sign or stop sign.
- iv. no structure, planting or object of natural growth shall be placed or permitted to remain in such a manner as to obstruct vision within the 'sight triangle,' as defined in these Regulations.
- v. trees shall be kept pruned of any dead, diseased, or structurally damaged limbs or could fall into the right-of-way or on public property and thereby constitute a threat to public safety.

- (2) It shall be unlawful for any person, organization, firm, corporation, or city

department to prune or cause to be pruned any public tree in a manner inconsistent with ANSI A300 standards for tree pruning.

3. **Other maintenance.** Other maintenance practices on public trees, including but not limited to, mulching, watering, insect & disease control, fertilization, inoculation, and growth regulation shall be performed in a manner consistent with ISA standards or ANSI A300 standards whichever is more stringent or protective of tree health.

E. **Removal of Trees.** The removal of trees within the city is deemed to sometimes be necessary to protect the safety of persons and property, to remove the risk of damage to overhead lines and obstruction of streets and to enhance the aesthetics of the city. In such cases, the provisions of this Section shall apply.

1. **Hazardous public trees.** The City shall, in the normal course of its duties, periodically conduct surveys to determine the location and severity of hazardous public trees. Dead, diseased or structurally damaged public trees that pose a safety or health risk to the public or to other trees shall be removed or the hazard otherwise mitigated by the City of Lakeland Parks & Recreation Department in a timely manner. The City Manager or his designee shall evaluate the dead, diseased or structurally damaged tree as to the degree of hazard. This evaluation shall be made by using the International Society of Arboriculture (ISA) Standard Tree Condition Evaluation Guide or other comparable method. The results and an accompanying recommendation will be forwarded to the Director of Parks & Recreation for action.

2. **Hazardous private trees.**

- (1) When the city determines that a private tree, as defined in this chapter, is hazardous, as per the ISA Standard Tree Condition Evaluation Guide or other comparable method, and therefore should be removed, it shall provide written notice of this hazard to the party responsible for property management.
- (2) Notice sent by the City as aforesaid shall advise the responsible party to remove the hazardous tree not later than 60 days from the date of the mailing of the notice except as provided in this section.
- (3) If the city determines that the tree poses an imminent safety hazard to the or adjacent properties, the not aforesaid may establish a time requirement for removal shorter than 60 days.

- (4) If the responsible party fails to remove a hazardous tree within the time specified in the written notice from the city, such failure shall constitute a violation of this division and shall be punishable in accordance with State Law and the provisions of this ordinance.
- (5) If the responsible party fails to remove a hazardous tree within the time specified in the written notice from the city, and if the city determines that the hazardous tree constitutes an imminent threat to the property of others or to the general public or could result in damage to overhead lines or obstruction of streets, the city shall have the right to enter upon the property and remove the tree, and all costs incurred by the city in such regard shall be due and payable from the responsible party to the city upon demand, and, if not paid, the city shall have the right to file a notice of lien in the Register's Office of Shelby County, Tennessee and proceed to collect such costs and enforce such lien in accordance with the provision of law and consistent with the provisions of this Section.

F. Authorization for public tree removal. It shall be unlawful for any person, organization, firm, or corporation to remove or cause the removal of any public tree, as defined in this ordinance, without first obtaining a tree removal permit from the Arborist, or his duly authorized representative . The applicant for said tree removal must apply in writing to the City stating reasons for the tree removal. Upon receipt of the application, the Arborist, or his duly authorized representative, shall review the application and evaluate the tree in question. If the tree in question is a non- specimen tree, or is determined by the Arborist, or his duly authorized representative, to be a hazard to public safety, the Arborist, or his duly authorized representative, may decide regarding its removal. Such decision will be made within 30 days of receipt of the application. If the tree in question is a specimen tree, the Arborist, or his duly authorized representative, shall forward the removal request to the Lakeland Natural Resources Board along with a recommendation. The Board decision shall be final.

G. Removal of stumps. All stumps of removed public trees shall be removed below the surface of the ground so that the top of the stump shall not project of the surface of the ground. Stump removal shall be performed by the responsible party in a timely manner after tree removal.

H. Invasive species. Pubic trees that are listed on the Southeast Exotic Pest Plant Council's Invasive Species List, or are otherwise determined by the Arborist, or his

duly authorized representative, to be a threat to the native vegetation of the area, may be removed, or caused to be removed, by the City of Lakeland Natural Resources Department or Parks and Recreation Department. The Arborist shall make a recommendation regarding the removal of such trees to the appropriate authority.

- I. **Qualifications of Contract Tree Companies.** All tree care workers and companies hired by the City or by outside parties that perform work on public trees shall provide the City with proof of at least one ISA Certified Arborist on staff or consulting with the company or individual.
- J. **Trees of Historic or Special Significance.** A tree of significant age, size or history can constitute a unique asset to the community. The Board of Commissioners, upon the recommendation of the Natural Resources Board, can designate a unique specimen as a Lakeland heritage tree. A public tree so designated will be given special protection and maintenance, and special recognition as the situation warrants.
- K. **Official City Tree.** It is hereby decreed that the *Quercus alba* (white oak) shall be the official city tree. This selection is made because of its history, superior form and shape, its value to wildlife, and its strength of structure and life span in our geographic area. While it is not recommended that this species be selected over other species in planting on public or private property, it is recommended that the tree be recognized as a symbol of the community.

3.16.11. APPEAL.

An appeal to the Board of 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 Arborist based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Arborist 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.

- A. The Board of Appeals shall have the following powers:

- 1. **Administrative Review**

- (1) **Appeal of Decision by Arborist.** To hear and decide appeals where the

appellant alleges that there is error in any order, requirement, decision, or change made other administrative official in the refusal, carrying out or enforcement of any provision of this Ordinance.

2. **Variance from Tree Ordinance**

- (1) To hear and decide applications for variance from the terms of this Ordinance, but only where due to exceptional narrowness, shallowness, or shape of specific piece of property which at the time of adoption of this Ordinance was a lot of record;
- (2) or where, because of exceptional topographic conditions, physiographic conditions, soil physiology, or other extraordinary or exceptional situation or conditions of a piece of property the strict application of the provisions of the Ordinance would result in exceptional difficulties or the exceptional and undue hardship upon the owner of such property, if such relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of this Ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of this ordinance and as further explained below. The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:
 - i. **Physical or topographical conditions.** The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out.
 - ii. **Relationship to other properties within the district.** The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.
 - iii. **Permitted activity.** The variance will not authorize activities in a zoning district other than those permitted by this Ordinance.
 - iv. **Financial implications.** The variance is not based solely on financial returns.
 - v. **Self-created hardship.** The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance.

- vi. **Special privilege.** Granting the variance will not confer on this applicant any special privilege that is denied by this Ordinance to other lands, structures, or building in the same district.
 - vii. **Minimum variance required.** The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - viii. **Effect on public welfare.** Granting the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located.
 - ix. **Effect on adjacent properties.** The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
 - x. **Physiological conditions.** The physical geology of or soil conditions on the site are such that the site has historically not sustained nor is capable of sustaining tree cover.
 - xi. **Prohibited uses.** Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
3. **Conditions and Restrictions by the Board of Appeals.** The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this ordinance.

B. Provisions for Violating Mitigation.

1. Any person, firm, or corporation determined by the Arborist to be in violation of any provision of this Ordinance shall be issued a notice of such violation. This notice shall include in plain language the nature of the violation and the conditions, if any, required to remedy the violation as well as a time frame for compliance. The notice shall be sent by registered or certified United States Mail, addressed to the last known address of record of the alleged violator/ responsible party. The notice shall state that the responsible party is entitled to a hearing and shall contain, at a minimum, the following information:

- (1) A brief statement that the responsible party is in violation of the Lakeland Municipal Code, which has been enacted under the authority of Tennessee Code Annotated, § 6-19-101, and that the violation may be remedied at the expense of the responsible party and a lien placed against the property to secure the cost of mitigation of the violation;
 - (2) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the City; and
 - (3) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.
2. If the property owner of record fails or refuses to remedy the condition within the time frame specified by the notice, the City shall cause the condition to be remedied at a cost in conformity with reasonable standards and the cost thereof shall be assessed against the owner of the property and/or prosecution in a court of competent jurisdiction. Upon filing of the notice with the office of the register of deeds in Shelby County, the mitigation costs incurred by the City shall be a lien on the property in favor of the municipality, second only to liens of the state, county, and municipality for taxes, any lien of municipality for special assessments, and any valid lien, right, or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice.
- C. **Delay or Failure to Enforce.** Delay or failure to enforce any portion of this ordinance does not constitute a waiver of the provisions of the ordinance in favor of any party or violation.
- D. **Interference with City Natural Resources Board.** It shall be unlawful for any person to prevent, delay or interfere with the City Natural Resources Board, or any of its agents, while engaging in or about the planting, cultivating, mulching, pruning, spraying, or removing of any municipal trees, or trees on private grounds, as authorized by this ordinance.
- E. **Severability.** If any section, clause, provision, or portion of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole which other provisions shall remain in full force and effect, or any part thereof, other than the part so declared to be invalid.
- F. **Provisions of Federal and State Law Excepted.** No provision of this Ordinance shall contravene by term or application any existing or later enacted statute or regulation of the Federal or State governments, and in the event of said conflict, the provisions of

the State and/or Federal regulations shall control.



III.4

4. PARKING, LOADING AND ACCESS STANDARDS

4.1 INTENT AND APPLICABILITY

A. **Intent.** The following provisions are established to accomplish the following goals.

1. To ensure an appropriate level of off-street parking, vehicular and bicycle; loading; and storage to support a variety of Uses, including the avoidance of unnecessarily high amounts of excess parking.
2. To allow for alternative parking options in certain defined circumstances.
3. To provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land `Uses and Zoning Districts.
4. To provide specifications for vehicular

4. Parking, Loading and Access Standards	414
4.1 Intent and Applicability.....	414
4.2 Parking Requirements	416
4.3. Alternative Off-Street Parking Standards	424
4.4. Off-Street Parking Standards	427
4.5. Loading Requirements	431
4.6. Loading Facilities Design Standards	433
4.7. Vehicular Stacking Requirements	434
4.8. Site Access.....	435

site access, including cross-access.

B. **Applicability.** These regulations shall apply to all new development, redevelopment, and changes in Use or intensity of Use for existing development, in all Zoning Districts. Compliance with the standards outlined shall be attained in the following circumstances:

1. Development of all new parking facilities, loading facilities, and driveways.
2. Improvements to existing parking facilities, loading facilities, and driveways, including reconfiguration, installation of new landscape islands, an increase in ten (10) or more spaces.
3. Changes in a site's use and or increases in intensity through the addition of Dwelling Units, Gross Floor Area, seating capacity, or other units of measurement specified herein for required parking and loading facilities that results in a five (5) percent increase in the number of required spaces.
4. Maintenance, repair, restriping, and similar providing there is no increase in the number of spaces of more than five (5) percent or 10 spaces, whichever is less, must not require improvement of the existing parking facilities to meet the standards of these Regulations.

C. **General Requirements.** The scope of the regulations are as follows:

1. **Damage or Destruction.** When a Use that has been damaged or destroyed by fire, collapse, explosion, or other cause is reestablished, any associated off-street parking spaces or loading facilities shall be reestablished in an amount equal to the number maintained at the time of damage or destruction or if this quantity is in excess of the standards outlined herein, the minimum standards shall be met.
2. **Access.** All off-street parking and loading facilities shall open directly onto an aisle, Alley, or driveway designed to provide safe access to such facilities. Direct access to a public way, other than an Alley, is prohibited. Refer to *Section III.4.5 Loading Requirements*, for more information.
3. **Location.** Each Building Type (*Section II.1 Zoning Regulations*) includes the permitted Yard locations of parking facilities (surface or structured), loading facilities, and points of access.
4. **Maintenance of Off-Street Parking.** All off- street parking spaces required by these Land Development Regulations shall be continuously maintained by the property Owner.
5. **Site Plan Approval Required.** Refer to *Section I.4.6 Site Plans* for more

information.

6. **Certificate of Compliance.** Refer to *Section I.4.10 Certificate of Compliance* for more information.

4.2 PARKING REQUIREMENTS

- A. **Off-Street Parking Plan.** All developments requiring more than twenty (20) parking spaces are required to submit a parking plan with Site Plan approval (refer to *Section I.4.6.2 Site Plan Review*, including the following:
 1. **Intended Uses.** List all proposed Uses, including accessory use(s).
 2. **Required vehicular and bicycle parking spaces per Use.** Illustrate provision of all required spaces. Submit any methods for handling potential Eating & Drinking Establishments, if intended in the future.
 3. **Location and method** of providing required parking spaces.
 4. **Shared Parking.** Applicants wishing to use shared parking as a means of reducing the total number of required spaces must submit a shared parking analysis. (See *Section III.4.3(C) Shared Vehicular Parking*)
- B. **Off-Street Parking Table.** Off-Street parking must be provided in accordance with *Table III.4.1 Off-Street Parking Requirements*.
 1. **Computation.** Off-street parking spaces shall be calculated using the following information.
 - (1) **Area Measurements.** The following units of measurements shall be utilized to calculate parking requirements. Other units of measurement may be identified in the *Table III.4.1 Off-Street Parking Requirements*.
 - i. **Dwelling Unit.** Parking standards for residential uses and buildings shall be computed using Dwelling Unit as the unit of measure.
 - ii. **Room.** Parking standards for transient accommodations shall be computed using Room as the unit of measure.
 - iii. **Gross Square Footage.** Unless otherwise expressly stated, parking standards for nonresidential Uses shall be computed based on Gross Floor Area in square feet.
 - iv. **Occupancy- or Capacity-Based Measurements.** Parking spaces required per available seat or per employee, student, or occupant shall be based on the greatest number of persons on the largest shift, the maximum number of students enrolled, or the maximum fire-rated capacity, whichever measurement is the greatest unless otherwise

approved as part of the Alternative Parking Standards provided in *Section III.4.3 Alternative Off-Street Parking Standards* below.

- (2) **Fractions.** When computation of the number of required off-street parking spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.
- (3) **Multiple Uses on a Lot.** When there are multiple Uses on a Lot, required spaces shall be calculated as an amount equal to the total requirements for all Uses on the Lot, unless the Uses qualify for shared, APP or other credits to reduce parking.
2. **Requirements for Unlisted Uses.** Upon receiving a Site Plan, occupancy permit, or other permit application for a Use not specifically addressed in this Section, the Municipal Planning Commission (MPC) or Planning Director is authorized to apply off-street parking standards specified for the Use deemed most like the proposed Use. In instances where an equivalent may not be clearly determined, the Applicant shall submit a parking study and other evidence that will help determine the appropriate requirements.
3. **Maximum Allowable Vehicular Spaces.** No Use shall provide greater than ten (10) percent over the minimum parking requirement without incorporating at least two (2) of the following mitigating design features, subject to approval by the City Engineer. In no case, shall a Use provide over twenty-five (25) percent more parking spaces than the requirement unless approved as part of an APP.
 - (1) The frontage buffer shall be increased in width by thirty (30) percent and the heavy side and rear buffer shall be used, regardless of the adjacent Uses (refer to *Section III.3.10 Frontage Buffer* and *Section III.3.11 Side and Rear Buffer* for more information).
 - (2) The interior parking lot landscaping shall be increased by ten (10) percent over the minimum requirements (refer to *Section III.3.12 Parking Lot Landscaping* for more information).
 - (3) The additional parking over the minimum shall be provided with a pervious surface.
 - (4) An additional mitigation method reviewed and approved by the City Engineer.

4. **Parking Requirements Table.** Parking must be provided in accordance with *Table III.4.1 Off-Street Parking Requirements*. The vehicular spaces required column indicates the required off- street parking ratio, which may be subject to credits and other reductions and a maximum number.

Table III.4.1 Off-Street Parking Requirements

Uses	Parking Requirement
Residential	
Single Family / Single Family Attached	2 / Unit
Multifamily: Studio / Efficiency	1.25 / Unit
Multifamily: 1 Bedroom	1.5 / Unit
Multifamily: 2 Bedroom	1.75 / Unit
Multifamily: 3+ Bedroom	2 / Unit
Accessory Family Unit	1 / Unit
Bed and Breakfast	1.25 / Room
Hotel/Motel	1.5 / Room, Secondary Uses at 65%
Independent Living	Per Multifamily Requirements
Hospice / Assisted Living / Nursing Home	0.25 / Bed & 1 / Employee
Non-Residential	
Neighborhood, General, Large Scale Assembly	0.25 / Seat or Building Code Capacity
Hospital	0.25 / Bed & 1 / Employee
Library/Museum	3.33 / 1,000 sq. ft.
Police and Fire	0.75 / Employee & 1 / Office Vehicle
Post Office	3.33 / 1,000 sq. ft.
School: Pre-K to Junior High	1.25 / Employee
School: High School	1 / Employee & 0.5 / Students in 11th and 12th grades
School: Higher Education	0.75 / Employee & 0.5 / Student

SECTION 4 – PARKING, LOADING AND ACCESS STANDARDS

12/19/24

Uses	Parking Requirement
School: Vocational	
Neighborhood, General, Large Scale Retail	4 / 1,000 sq. ft.
Liquor Store	4 / 1,000 sq. ft.
Commercial Equipment & Supply	4 / 1,000 sq. ft.
Firearms Dealer	4 / 1,000 sq. ft.
Outdoor Sales Lot	4 / 1,000 sq. ft. of sales area
Neighborhood Personal, General, Regional Services	4 / 1,000 sq. ft.
Eating and Drinking Establishment	0.5 / Employee at largest shift & 0.25 / Seat or Building Code capacity, whichever is larger
Child Day Care	1.35 / Employee
Outdoor Entertainment or Recreation	2 / 1,000 sq. ft. & 0.25 / 1,000 sq. ft. of land
Funeral Home	1 / Employee at largest shift & 0.25 / Seat or Building Code capacity, whichever is larger
Vehicle Service	3.33 / 1,000 sq. ft.
Neighborhood, General Office	4 / 1,000 sq. ft.
Research and Development	4 / 1,000 sq. ft. of sales area
Craftsman	1 / Employee at largest shift & 4 / 1,000 sq. ft. of retail space
Production and Assemblage	1 / Employee at largest shift & 1 / Company Vehicle
Warehouse, Packing, and Distribution	1 / Employee at largest shift & 1 / Company Vehicle
Manufacturing	1 / Employee at largest shift & 1 / Company Vehicle
Adult Oriented Business	4 / 1,000 sq. ft.
Utility and Infrastructure	1 / Employee at largest shift & 1 / Company Vehicle
Wireless Transmission Facility	1 / Employee at largest on-site shift & 1 / Company Vehicle

SECTION 4 – PARKING, LOADING AND ACCESS STANDARDS

12/19/24

Uses	Parking Requirement
General Open Space	2 / Acre at MPC's Authority or 4 / Acre at MPC's authority when ball fields and courts included
Large Scale Outdoor Recreation	
Country Club	4 / 1,000 sq. ft. & 1 / Employee at largest shift & as applicable: 40 / 9 holes of golf & 0.25 / facility occupancy for tennis and swim
Golf Course	60 / 9 holes
Membership Sports Clubs	1 / Employee at largest shift & 0.25 / facility occupancy
Riding Academy and Stables	1 / Employee at largest shift & 1 / Stall
Sports and Recreation Camps	3 / 1,000 sq. ft. of building & 3 / 1,000 sq. ft. of land
Swim Club / Tennis Club	1 / Employee at largest shift & 0.25 / facility occupancy
Preserve/Conservation	Per MPC
Shooting and Archery Range	1.50 / Target
Agriculture Equipment/Service/Supply	4 / 1,000 sq. ft.
Farming	
Animal Boarding	1.35 / Employee
Natural Resource Harvesting/Management	1 / Employee at largest on-site shift & 1 / Company Vehicle

C. **Required Bicycle Parking.** The Required Bicycle Parking column indicates the minimum bicycle parking ratio for a given Use.

Table III.4.2 Required Bicycle Parking

Use	Bicycle Space Required
Multiple Family (all sizes)	1 / 2 Vehicular Spaces for buildings with more than 8 units
Civic/Institutional	1 / 10 Vehicular Spaces, min of 4
Retail & Restaurant	1 / 10 Vehicular Spaces
Service	1 / 10 Vehicular Spaces
Office	1 / 10 Vehicular Spaces
Neighborhood Open Space / Civic Open Space	Per MPC
General Open Space	Per MPC
Large Scale Open Space	1 / 10 Vehicular Spaces
Preserve/Conserve	Per MPC

1. Bicycle parking is not required for Uses not listed.
2. Bicycle parking is not required for Uses less than 2,500 square feet in size.
3. Bicycle parking shall be located no greater than fifty (50) feet from the primary pedestrian entrance.
4. No Use, other than Civic/Institutional or Open Space and Recreation, is required to accommodate more than twenty (20) bicycles.
5. **Dimensions.** Required bicycle parking spaces shall have minimum dimensions of two (2) feet in width and six (6) feet in length.
6. **Secure Spaces.** All bicycle parking spaces shall allow for the secure storage for the bicycle.
 - (1) Indoor spaces shall be lockable or provide a permanently affixed rack for securing each bicycle.
 - (2) Outdoor spaces shall provide a permanently affixed rack for securing each bicycle.
7. **Location.** Bicycle parking may be located in the following locations:
 - (1) Indoor or outdoor spaces are permitted, provided they are located on the Lot with which they are associated.

- (2) Spaces located within individual Dwelling Units may not be counted toward bicycle parking requirements for nonresidential uses.
8. **Signage.** If required bicycle parking for public Use is not visible from the street, signs shall be posted indicating their location.
9. **Maintenance and Lighting.** Areas used for required bicycle parking shall be well-lit with acceptable drainage to be reasonably free of mud and standing water.
- G. **Required Accessible Parking.** Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in Tennessee Code Annotated (T.C.A.) §55-21-105, including quantity, size, location, signage, and accessibility, based on the ADA Accessibility Guidelines (ADAAG).
1. Refer to *Table III.4.3 Required Accessible Parking Spaces*.
 2. Each accessible space provided shall be included in the overall number of required spaces for a Use.
 3. Van accessible spaces shall meet ADA requirements. Quantities and design of van accessible spaces shall meet requirements of Tennessee Code Annotated (T.C.A.) §55-21-105.

Table III.4.3 Required Accessible Parking Spaces

Total Spaces	Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,000+	20 plus 1 for each 100, or fraction thereof, over 1,000

- H. **Storage Prohibited in Parking Areas.** All off- street parking spaces (including driveways, aisles, etc.) shall be dedicated for the parking of vehicles in operating condition and shall not be used for storage or display of vehicles, materials, or goods, unless otherwise stated in these Land Development Regulations.
- I. **Vehicle Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with parking or loading facilities provided in these districts, except for emergency service required to start vehicles or short incidental minor repairs, such as replacement of a battery.
- J. **Single Family Residential Parking.**
1. A minimum of two (2) parking spaces exclusive of the garage shall be provided for each Single Family and Single Family Attached residential units. Such off-street parking spaces shall not block, inhibit, or otherwise encroach into a sidewalk or similar pedestrian facility.
 2. Surface parking location is regulated by Zoning District, per *Section II.1 Zoning Regulations*, and shall be located within a driveway.
 3. **Single Family Residential Visitor Parking.** If two (2) on-street parking spaces are not available along the Front Property Line of any single-family residence Lot, one space shall be provided on private property in addition to required residential spaces.
 - (1) The space may be provided on the Lot.
 - (2) A parking lot may be provided within the Subdivision to accommodate multiple visitor spaces with the following requirements.
 - i. If developed within an existing, approved Subdivision, a Conditional Use permit is required per *Section II.2 Uses* to develop this parking lot. Otherwise, it shall be considered for approval, approval with conditions, disapproval, or other applicable action by the MPC as part of the Preliminary Plat process.
 - ii. Ten (10) percent additional total landscape plantings are required for the Frontage Buffer and the Frontage Buffer is required on all sides of the parking lot. Refer to *Section III.3.10 Frontage Buffer*.
- K. **Parking Credits.** In NC1, C1, C2, NO, and O Districts, the vehicular parking standards in *Table III.4.1 Off-Street Parking Requirements* for non-residential Uses may be reduced by achieving one (1) or all of the following credits.
1. **On-Street Parking Credit.** Up to ten (10) percent re the required off-street parking may be provided through publicly accessible / designated on-street

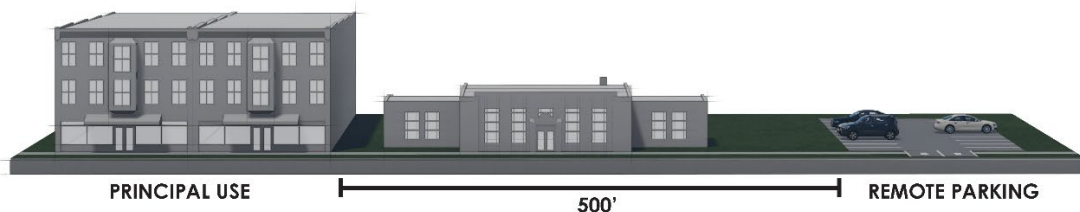
parking within one thousand (1,000) feet of the building. On-street parking must be accessible via a sidewalk, pedestrian path, or similar.

2. **Public Parking Credit.** Public parking within six hundred sixty (660) feet of any Property Line may be credited against the parking requirement at a rate of one (1) credit for every three (3) public parking spaces within six hundred sixty (660) feet.

4.3. ALTERNATIVE OFF-STREET PARKING STANDARDS

- A. **Private Off-Site Parking.** Parking shall be provided on-site, unless otherwise stated in these regulations. Where private off-site parking facilities are approved, such facilities shall be in the same possession as the zoning Lot occupied by the building or Use to which the parking facilities are accessory.
 1. Such possession may be either by deed or lease, guaranteeing availability of the parking commensurate with the Use served by the parking.
 2. The providing for the Use of off-site parking, executed by the parties involved, shall be in a form approved by and filed with the MPC.
 3. The deed or lease shall require the Owner to maintain the required number of parking facilities for the duration of the Use served or of the deed or lease, whichever shall terminate sooner.
 4. Off-Site Parking must be located within 500 feet of the nearest lot line of the principal use.

Figure III.4.1 Off-Site Parking Location



5. A sidewalk paved pedestrian walkway, and/or crosswalk must be provided to the off-site parking area from the principal use.
6. **Satellite Parking.** Satellite parking lots must abide by all parking design and construction standards set forth within these regulations.

- (1) No more than 25% of parking space requirements may be provided by a satellite parking location.
- (2) Satellite parking must not consist of any required parking of another use unless a shared parking arrangement exists.
- (3) A sidewalk or paved pedestrian walkway must be provided to the satellite parking area from the subject use.

B. Valet Parking. Required off-street parking may be located on a separate lot or parcel from which the principal use is located and be operated by a valet service, only if the valet operations and the parking comply with the following standards:

1. The valet service provider must have the same ownership as the principal use, the lessee of the principal use, or a third-party valet service provider that has been contracted by the principal use owner or principal use lessee.
2. To increase the yield of off-street parking facilities utilized solely for valet operations:
 - (1) Spaces may be designed in tandem configurations.
 - (2) Spaces may be reduced to a minimum width of 8' and a minimum length of 38'.
3. If at any time, valet operations are discontinued, the owner must submit an Off-Street Parking Plan to the Planning Director or their designee, if the proposed parking configuration does not meet the standards of *Section III.4.3(A) Private Off-Site Parking*, the owner must submit an Alternative Parking Plan to the Planning Director or their designee.
4. Valet stands are not permitted within the public right-of-way.
5. Valet operators may utilize facilities that adhere to the standards of *Section III.4.3(C) Shared Vehicular Parking* if proposed uses are served by the shared parking arrangement have different peak parking demands. Tandem parking configurations are not allowed in Shared Parking facilities.

C. Shared Vehicular Parking. An arrangement in which two (2) or more Uses with different use the same off- street parking spaces to meet their off-street parking requirements. If a development qualifies for shared parking, shared parking reduces the overall required minimum off-street parking by ten (10) percent. An application for shared parking shall require an analysis by a registered Professional Engineer or a Certified Land Use Planner provided to the Planning Director, to reduce the number of required off-street parking spaces.

1. **Shared Parking Analysis.** The shared parking analysis, at minimum, shall include

and comply with the following:

- (1) Identification of proposed uses within the development.
 - (2) Calculation of the ten (10) percent shared parking reduction that will be applied, per proposed use.
 - (3) Proposed uses served by the shared parking arrangement shall have different peak parking demands or operate in a manner that the uses sharing parking have access to the required minimum number of off-street parking spaces when in operation.
 - (4) Narrative and calculations shall be provided as part of the shared parking analysis explaining the merit of the shared parking arrangement.
 - (5) Cross access agreements (i.e., legal instruments), if required, for the principal property and adjacent properties to ensure shared parking can function shall be provided to the City Manager or their designee.
 - (6) Shared parking arrangements shall be a formal legal instrument and be provided to the City Manager or their designee.
 - (7) If a shared parking arrangement ceases, parking for the uses shall be recognized as a nonconformity.
2. **Location of Shared Parking.** Any shared parking shall be within six hundred sixty (660) feet, measured from the entrance of the Use to the closest parking space within the shared parking lot along measured along a dedicated pedestrian path.
- (1) No shared parking space shall be located within six hundred and sixty (660) feet of a single-family Lot.
 - (2) Reserved Parking Spaces.
 - i. A significant amount of reserved parking is not permissible when utilizing shared parking.
 - ii. Wheelchair accessible spaces shall be provided for each Use separately and shall not be part of a shared parking arrangement.
3. **Dedicated Pedestrian Path Design.** The sites involved in the shared parking agreement shall be connected by a dedicated pedestrian pathway (See requirements in *Section III.4.4.17 Pedestrian Access*)
4. **Signage.** Signage shall be provided in appropriate locations, directing the driver to the appropriate parking lot. Signage located in public ways shall be considered for approval, approval with conditions, disapproval, or other applicable action by the MPC, with a recommendation from the City Engineer.

- D. **Alternative Parking Plan (APP).** The parking requirements set forth in this Section (*Table III.4.1 Off-Street Parking Requirements*) may be modified through a APP. The Planning Director may accept an APP in place of the parking requirement for a use if the below requirements are met:
1. A parking study must be submitted that is prepared by a registered Professional Engineer or a Certified Land Use Planner.
 2. The study must include the size, type, and use(s) of the development; anticipated peak parking; anticipated normal parking amounts; and a narrative and data as to why the parking requirements of the LDR do not accurately reflect the needs of the proposed development.
 3. An APP may be requested concurrently with Construction Plan review, as defined in *Section I.4.4 Construction Plans*.
- E. **Use of Off-Street Parking Areas.** All off-street parking and loading facilities shall be used only for the temporary storage of motor vehicles related to the premises, unless otherwise specified in these Land Development Regulations.

4.4. OFF-STREET PARKING STANDARDS

- A. **Parking Design Standards.** Refer to the City's Public Works Construction Specifications where found for additional requirements.
1. **Arrangement.** Off-Street parking must be arranged so that vehicles may be parked/unparked without moving other vehicles, except for parking structures which may be designed to allow tandem parking and/or valet services.
 2. **Encroachment.** No parking space may be designed in such a way to encroach or block a public or private roadway, alley, or sidewalk. Parking spaces may be allowed in a setback or build-to-zone (BTZ) as permitted in these Regulations.
 3. **Fire Lane.** The number and location of fire lane(s) must be provided and approved by the fire marshal and the authority having jurisdiction.
 4. **Vehicular Parking Space Dimensions.** The required dimensions for parking spaces are outlined in *Table III.4.4 Parking Space Dimensions* and *Figure III.4.2 Parking Dimensions*. The width of a parking space shall be measured from the center of a stripe.
 5. **Driveways.** Driveways, drive aisles, and joint access easements must not be used for parking vehicles except for single-family and two-family residential.
 6. **Wheel Stops.** Wheel stops or bumper guards are required when parking is adjacent to a pedestrian pathway or landscaped area. Such stops or guards

shall be properly anchored or secured. Wheel stops must be prefabricated, concrete or recycled plastic product, manufactured specifically for this use. The use of railroad ties or other non-traditional wheel stops are not permitted.

7. **Overhang.** Where parking spaces are located such that the parked vehicle will overhang a sidewalk, a minimum clear width shall be provided equal to the minimum sidewalk width required.
8. **Drainage.** Parking areas must be drained so as not to cause any nuisance on adjoining or nearby properties. Stormwater management facilities must comply with the standards of these Regulations.
9. **Location of Parking.** Refer to *Section II.1 Zoning Regulations* for information on the location of parking facilities.
10. **Access and Maneuvering.** Parking areas must be arranged for convenient access, maneuvering and safety of pedestrians and vehicles. Parking areas must be arranged so that no vehicle must be required to back up from such facilities directly onto designated arterial or collector streets. Parking areas must be designed, maintained, and regulated so that no parking or maneuvering incidental to parking must be on any public street, sidewalk, or alley.
11. **Marking of Spaces.** All off-street parking spaces must be clearly marked.
12. **Lighting.** Exterior lighting in parking areas must comply with the standards defined in *Section III.6 Site Lighting*.
13. **Landscape Screening.** All parking areas shall meet the requirements of in *Section III.3 Landscape Standards*.
14. **Pavement Materials.** All parking, loading facilities, and driveways shall be constructed using asphalt, concrete, or pavers that meet at least one (1) of the following.
 - (1) Paving materials with a Solar Reflectance Index (SRI) of at least 29.
 - (2) Semi-Pervious pavement, including permeable asphalt, concrete, or pavers.
 - (3) Material with a minimum recycled content of fifteen (15) percent.
15. **Signage.** Accessory signs shall be permitted on parking areas in accordance with the provisions specified in *Section III.5 Signs*.
 - (1) City may require the posting of traffic control signs.
 - (2) All traffic control signs shall be installed in accordance with the Manual for Uniform Traffic Control Devices (MUTCD) and its most recent amendments.

- (3) Decorative posts are required for all Parking Lot traffic control signage per standards provided by the City Engineer.

16. Connectivity between Adjacent Parcels. Vehicular and pedestrian access shall be provided between all Parcels of nonresidential Uses and between multiple family and other Uses. Connections between adjacent multiple family Parcels are not required.

- (1) **Vehicular Access.** Where two parking lots are located on adjacent Property Lines, a minimum of one driveway connection shall be made between those Lots.
- (2) **Pedestrian Access.** Continuous sidewalks shall be provided with access to all front doors of all businesses and multiple family units adjacent to each other. Sidewalks along Right-of-ways may fulfill this requirement.

17. Pedestrian Access. For every two (2) double-loaded aisles within a parking lot, one (1) internal pedestrian pathway shall be provided. Refer to *Figure III.4.2 Parking Dimensions* for an illustration of what constitutes one double- loaded aisle.

- (1) **Dimension.** The pathway shall be a minimum of six (6) feet in width.
- (2) **Quantity.** One (1) pathway is required for every two (2) double loaded aisles.
- (3) **Location.** The pathway shall be centrally located within the parking area to serve a maximum number of parking stalls.
 - i. Pathways shall provide direct connections to the Principal Structure(s) entrances.
 - ii. At least one (1) pathway shall provide a direct connection between adjacent Vehicular Rights-of-Way and/or trails and the Principal Structure's entrance.
- (4) **Pathway Delineation.**
 - i. Pedestrian pathways shall be clearly marked with striping or through the use of alternative materials, such as pavers.
 - ii. Pathway shall be buffered from other parking spaces with a minimum five (5) foot landscape zone.
- (5) **Amenities.**
 - i. Amenities such as lighting and bollards are encouraged along pedestrian pathways and building entrances.
 - ii. Pathway shall be lined with shade trees a minimum of forty (40) feet on

center planted per staggered or linear, or covered.

18. Compact Vehicle Parking.

- (1) Up to ten (10) percent of the off-street parking spaces required by *Section III.4.2 Parking Requirements* may be used and designated as compact vehicle parking.
- (2) Parking spaces used as compact vehicle parking in accordance with *Section III.4.4(A)(18) Compact Vehicle Parking*, must:
 - i. Be consolidated into group(s) of contiguous spaces where they can be readily identified by compact vehicle operators (e.g., signage or pavement markers);
 - ii. Located near the primary entrance of the principal use; and
 - iii. Be a minimum of eight (8) feet in width and a minimum of sixteen (16) feet in length.

19. Bicycle Parking. Bicycle parking shall be designed and located as described in *Section III.4.2.C Required Bicycle Parking*.

20. Alternative Parking Surfaces. All minimum required parking surfaces are required to be paved with asphalt or concrete pavement. Parking surfaces that exceed the minimum required may utilize alternative parking surfaces, not to exceed ten (10) percent of the total parking area. Nonresidential sites greater than 60,000 square feet may be constructed of the following materials:

- (1) Porous asphalt
- (2) Porous concrete
- (3) Permeable interlocking pavement systems
- (4) Grass-block systems (with required maintenance by ASTM standards).

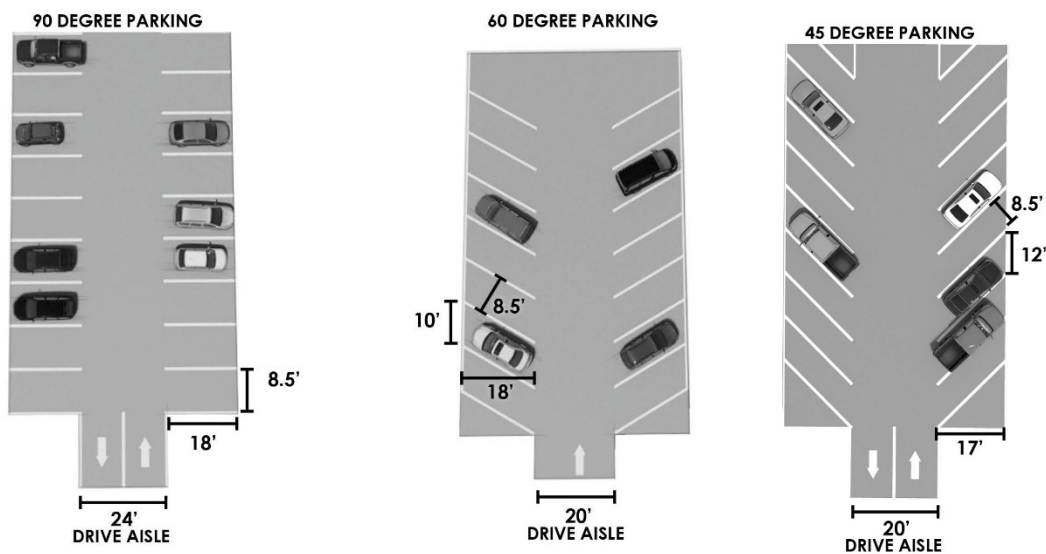
B. Dimensional Standards.

1. **Accessible Parking.** Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in (T.C.A.) §55-21-105, including quantity, size, location, signage, and accessibility, for standard and van accessible spaces, based on the ADA Accessibility Guidelines (ADAAG).
2. **Standard Parking.** **Standard** parking facilities shall be provided with the dimensions outlined in *Table III.4.4 Parking Space Dimensions*.

Table III.4.4 Parking Space Dimensions

Angle (degrees)	Curb Length (feet)	Stall Width (feet)	Stall Depth (feet)	Travel Lane Width: One-Way (feet)	Travel Lane Width: Two-Way (feet)
0	20	6	-	12	20
45	12	9	17	12	20
60	10	9	18	18	20
90	9	9	18	22	24

Figure III.4.2 Parking Dimensions



4.5. LOADING REQUIREMENTS

A. **General Requirements.** Whenever the normal operation of any development requires that goods and materials to be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided to accommodate the delivery or shipment operations in a safe and convenient manner. All loading facilities shall adhere to the following requirements.

1. **Loading Facilities.** Loading facilities shall include the area for temporary parking of commercial vehicles for loading and unloading goods and materials.

See *Section III.4.5.D Shared or Central Loading Facilities* for permitted Shared or Central Loading Facilities.

2. **Use of Off-Street Loading Areas.** Space allocated to off-street loading shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
 3. **Location.** Unless otherwise specified, all required loading facilities shall be located on the same Lot as the Use to be served. No loading space shall block or project into a street, Alley, access drive, fire lane, or parking area except where otherwise permitted.
 4. **Building Frontage.** Loading facilities shall be located per Zoning District, refer to *Section II.1.1 Zoning Districts*.
 5. Loading and unloading areas shall not be located adjacent to (abut) a residential district. Where this standard cannot be achieved, the required landscape buffer shall be doubled.
 6. **Access.** Loading facilities shall have clear access onto an Alley or be connected to an Alley or street via a driveway. Refer to *Section IV.1 Street Type Standards*.
 7. Each required off-street loading space shall be designed with appropriate means of vehicular access to a street, Alley, or other approved travel way in a manner which will least interfere with traffic movement.
 8. Backing out onto a public way is not permitted.
- B. **Loading Requirements.** Nonresidential Uses shall provide off-street loading spaces in compliance with *Table III.4.5 Required Loading Facilities*.

Table III.4.5 Required Loading Facilities

Gross Floor Area (Sq. Ft)	Loading Spaces Required
Under 5,000	0
5,000 – 20,000	1
20,001 – 100,000	1 + 1 for each 20,000 sq ft over 20,001 sq ft
100,001 +	5 + 1 for each 50,000 sq ft over 100,001 sq ft

C. **Computation.** Loading facilities shall be calculated using the following information.

1. **Gross Square Footage.** Unless otherwise expressly stated, loading standards for nonresidential buildings shall be computed on the basis of Gross Floor Area in square feet.
2. **Fractions.** When computation of the number of required off-street loading spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.

D. **Shared or Central Loading Facilities.** Shared or central loading facilities are permitted if the following conditions are met.

1. Each Use served shall have direct access to the central loading area without crossing streets or Alleys.
2. Total off-street loading spaces provided shall meet the minimum requirements herein specified, based on the sum of the several types of Uses served unless reviewed and approved by the MPC through Site Plan review (refer to *Section 1.4.6 Site Plan Review*).
3. No Use served shall be more than five hundred (500) feet from the central loading area.

4.6. LOADING FACILITIES DESIGN STANDARDS.

A. **General Requirements.** All off-street loading facilities shall comply with the following design standards. These plans are subject to approval through the Site Plan Review Process in *Section 1.4.6 Site Plan Review*.

1. **Dimensions.** A standard off-street loading space shall be a minimum of ten (10) feet in width by twenty-six (26) feet in length and an oversized loading space shall be a minimum of twelve (12) in width and forty (40) feet in length, exclusive of aisle and maneuvering space and shall have a minimum vertical clearance of fifteen (15) feet.
 - (1) The size of loading areas shall be based upon the needs of the use in a building. The minimum size of a loading area shall be the same size as the minimum parking space. For uses that require commercial delivery trucks or semi-trailers, loading areas shall be made to accommodate the typical commercial delivery vehicle.
2. All loading facilities shall be striped and identified for “loading only.”
3. The striping and the “loading only” notation or signage shall be maintained in a

clear and visible fashion.

- B. **Pavement Materials.** All loading facilities shall be constructed using asphalt, concrete, or pavers that meet at least one (1) of the following.
1. Paving materials with a Solar Reflectance Index (SRI) of at least 29.
 2. Semi-Pervious pavement, including permeable asphalt, concrete, or pavers.
 3. Material with a minimum recycled content of fifteen (15) percent.

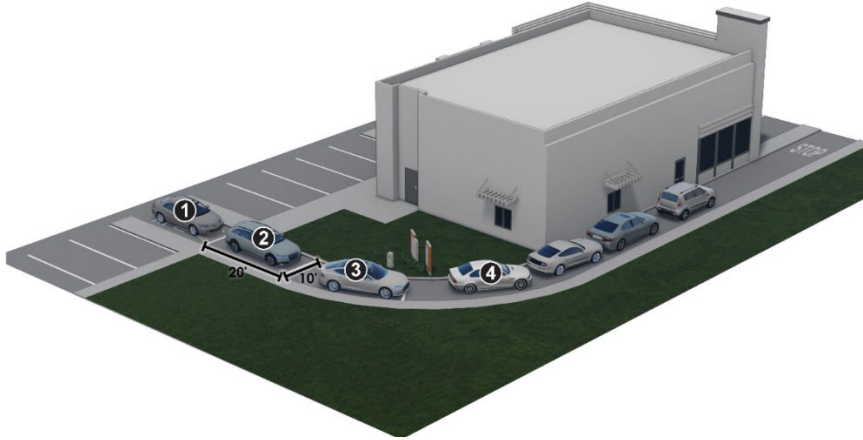
4.7. VEHICULAR STACKING REQUIREMENTS

- A. **General Requirements.** Stacking space for vehicles shall be provided according to the requirements in *Table III.4.6 Required Stacking Distances*.
- B. **Location.** Stacking spaces for drive-through and other similar Uses shall be located in accordance with the Building Type Standards (refer to *Section II.1 Zoning Regulations*) and shall not block the travel lane, emergency access, or parking spaces.
- C. **Deviation from Standard.** Minimum standards shall be adhered to unless a traffic impact study (refer to the appendix for details) provides verifiable evidence to allow a reduction. Reductions may be approved by the MPC through Site Plan review (refer to *Section I.4.6 Site Plan Review*) to allow for an Escape Lane or Pedestrian Crossing.

Table III.4.6 Required Stacking Distances

Use	Stacking Spaces Required
Bank – Drive Through Teller	4 per Window or Kiosk
Bank – Drive Through ATM	2 per Window or Kiosk
Car Wash	4 per Window or Kiosk
Gas Station	2 per Pump
Restaurant – Drive Through	4 behind Menu Board & 4 behind First Window
All Other	Per MPC

Figure III.4.3 Vehicle Stacking in a Drive Thru



4.8. SITE ACCESS

A. **General Requirements.** These standards shall supplement the provisions for access provided in *Section II.1 Zoning Regulations*. Each driveway providing site access from a street, Alley, or other vehicular Right-of- Way shall be designed, constructed, and permanently maintained as follows.

1. **Exception.** Driveways providing access to a designated state route shall adhere to the Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way as issued by the State of Tennessee Department of Transportation (TDOT).

B. Driveways.

1. **Quantity.** A platted lot shall be permitted one (1) driveway, unless otherwise approved or required by the City Engineer.
 - (1) The Planning Director may consider additional driveways at the recommendation of the City Engineer. *Table III.4.7 Additional Driveways* is included to provide criteria to be used in making a determination for arterial streets.
 - (2) When more than one (1) drive is permitted for a Lot, the distance between the driveways, measured along the Right-of-Way, shall not be less than fifty (50) feet.

Table III.4.7 Additional Driveways

Site Frontage	Permitted Driveways
200 feet of frontage or less	1
201 feet to 400 feet of frontage	2
401 feet to 600 feet of frontage	3
601 feet to 800 feet of frontage	4

2. **Dimensions and Design.** Driveway width is measured at the Property Line.

(1) All driveways shall have a maximum width at the property line of twenty-two (22) feet except as stated below.

- i. **Industrial Buildings.** Buildings constructed in M1-M3 shall have maximum driveway widths of thirty (30) feet.
- ii. **One-Way Driveways.** Maximum width for one-way driveways is eleven (11) feet, except in M1-M3 where a maximum of fifteen (15) feet is permitted.

(2) **Shared Access.** Adjacent developments shall share points of access.

- i. **Shared Driveway Width.** When access is shared between three (3) or more non- residential users, a dedicated turn lane may be constructed, allowing an increase in the maximum driveway from twenty-two (22) feet to thirty-two (32) feet provided that:
 - a. A Traffic Impact Study states its necessity.
 - b. Access shall be onto a Major Collector (refer to *Section IV.1.6.2 Major Collector Street*).

C. **Landscape Center.** Driveways in residential districts may incorporate a center landscape or Semi-Pervious strip to decrease a site's Impervious Coverage.

D. **Drop-Off Drive.** In the RE, R1, and A Districts and on Corner Lots in R2 and R3 Districts, a Drop-Off Drive is permitted provided the following.

- 1. The portion of the Drop-Off drive parallel to the street shall not be located closer to the Property Line than the required minimum Setback.
- 2. All driveways shall adhere to the Dimensions and Design standards and Location requirements in *Section III.4.8(E) Location*.
- 3. All driveways shall adhere to the maximum impervious and semi-pervious requirements of the site, per Building Type. Refer to *Section II.1 Zoning Regulations*.

E. Location.

1. Driveways shall be no closer than two (2) feet from a Side or Rear Property Line unless the driveway is shared.
2. Driveways shall be no closer than three (3) feet from the centerline of a hydrant, streetlight, utility pole, or other similar facility that affects traffic operation and regulations; the City Engineer may require additional distances.
3. In non-single family districts, driveways shall not be closer than fifty (50) feet from the intersection of two streets (measured from the end of radius), unless otherwise stated in this Section or as required by the City Engineer.
4. In Single Family Residential Districts, driveways shall not be closer than twenty-five (25) feet from the intersection of two streets (measured from the end of radius), unless otherwise stated in this Section or as required by the City Engineer.
5. Driveways for a corner lot shall connect to the street with the lower roadway classification. No access shall be permitted to a local single family residentially zoned street without approval of the City Engineer.



III.5

5. SIGNS

5.1. PURPOSES, APPLICABILITY AND EFFECT

- A. **Purpose and Intent.** The provisions of this Section shall govern all signs within the City, as defined in *Section III.5.1(D) Definitions*. The erection and maintenance of signs is controlled and regulated to promote health, safety, welfare, convenience, and the design standards provide an overall sense of aesthetics within the City of Lakeland. Any sign not expressly permitted or exempted in this Code, except where otherwise permitted by State and or Federal Law, is prohibited. This section intends to:
1. Encourage effective use of signs as a means of communication for businesses, organizations, and individuals in the City;
 2. Enhance aesthetics of land and structures by promoting high quality designs;
 3. Improve pedestrian and vehicular safety;

5. Signs.....	438
5.1. Purposes, Applicability and Effect	438
5.2. General Standards	439
5.3. Nonconforming Signs	446
5.4. Calculation of Sign Area and Sign Height.....	447
5.5. Permitted Sign Types	452
5.6. Permitted Sign Area and Number of Signs.....	453
5.7. Signs Exempt from Regulations	467
5.8. Prohibited Signs	468
5.9. Definitions.....	469
5.10. Design Construction Standards.....	476
5.11. Permit and Fee.....	479
5.12. Inspection, Removal and Safety	482

4. Minimize adverse effects of signs on nearby properties and rights-of-way; and
 5. Enable the consistent enforcement of these sign regulations within the City.
- B. **Applicability.** The provisions of this Section shall apply to signs erected, placed, established, painted, created, or maintained in the City in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance. Signs exempt from regulations under *Section III.5.7 Signs Exempt from Regulations*, shall not otherwise be subject to this Section.
- C. **Non-Commercial Copy Substitution.** Non-commercial copy may be substituted for commercial copy on any sign that is otherwise permitted in this Section.
- D. **Definitions.** Definitions as contained in *Section III.5.9 Definitions*, are understood to apply specifically to Signs and not intended to be used in other portions of this Code except where otherwise noted.
- E. **Interpretations.** Words and phrases used in this Ordinance shall have the meanings set forth in this Article. Words and phrases not defined in this Ordinance but defined elsewhere in the City's Code(s) shall be given the meanings set forth there. Principles for computing sign area and sign height are given in the next section. All words and phrases shall be given their common, ordinary meanings, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance. Illustrations included in the Code shall be used in interpreting the relevant provisions, but where the text conflicts with an illustration the text shall control.

5.2. GENERAL STANDARDS

- A. **Signage Plan.** Signage plans, as may be required, intend to allow an orderly process to provide for signs which are integrated and contextually designed to enhance the buildings and site which they occupy. Signage plans are required for all non-residential projects including all multi-tenant complexes, in any district, including multi-family and manufactured/mobile home parks. Signs for single family residential may be required per this Section for certain uses including but not limited to Home Occupations. The signage plan shall specify:
1. Number of signs;
 2. General location of signs for freestanding signs and building signs;
 3. Types of signs;
 4. Material components of proposed sign structures and sign surfaces;
 5. Height and size of signs using the standards defined in this Section;

6. Style and color of proposed signs, including illustrations of style and color pallet for all signs;
7. Accessory/ornamental structures or fences/walls in which a sign may be placed (if applicable); and
8. Typical landscaping.

B. Location. Types of signs authorized by this Section are permitted in zoning districts as provided in *Section III.5.5 Permitted Sign Types*.

1. No sign structure shall obstruct any cross-visibility area or traffic control device.
2. In the sight triangle, no freestanding sign may exceed 30 inches in height above the established grade of the street property line.
3. No sign structure shall be within ten (10) feet of utility easements and/or overhead power lines.

C. General Sign Design Standards.

1. Signs shall be, or appear to be, constructed of stone, masonry, metal, ceramic, glass, plastic, or, wood and shall utilize similar architectural styles and treatments to the primary structure. Signs within overlays shall be subject to additional standards including architectural styles, treatments/finishes, color(s), location, and size.
2. Fluorescent or incandescent colors except where part of a logo, trademark or similar, are prohibited.
3. All signs shall be erected in compliance with building, electrical, and fire codes, and shall comply with the standards below:
 - (1) Supports and braces shall be designed as an integral part of the sign structure and be hidden from public view to the extent technically feasible.
 - (2) Audio components are prohibited as part of any sign with the exception of drive-through menu signs.
 - (3) Signs shall be securely fastened per building code requirements so that the sign cannot moved by wind or other forces of nature and cause injury to persons or property.
4. Audio components or speakers are prohibited as part of any sign, except drive-through signs.
5. **External Illumination.**
 - (1) Only stationary and shielded light sources directed solely onto the sign are permitted.

- (2) External illumination shall not shine or provide glare directly on rights-of-way or adjacent residential uses.
- (3) Flashing and intermittent lights are prohibited.
- (4) Outline, strip lighting, and neon tube lighting on the exterior of sign structures, or along a door or window or building frame are not permitted.

6. Internal Illumination.

- (1) Only illumination with a designation of “white” or “daylight” shall be permitted.
- (2) Poles and other supporting structures shall not be internally illuminated.
- (3) A sign placed in a residential district shall not be internally illuminated. The sign may be illuminated using back lighting or reverse channel letters which create a halo-effect or ground-mounted direct light fixture not to exceed 100 watts and properly screened from public view with evergreen plant materials.

7. Illumination in signs shall not impair the vision of motor vehicle drivers.

8. Signs shall not exceed 0.2 footcandles at the property line.

D. Changeable Copy. Changeable copy on monument/community, canopy, and wall signs is permitted in limited instances per the following standards:

1. Where permitted, only one (1) double-faced ground mounted sign is permitted on any parcel;
2. The sign must contain high contrast background and letter of sufficient size to be viewed from the public right-of-way;
3. Such signs shall not exceed 72 inches in height measured from finished grade;
4. Such signs shall not exceed 32 square feet in sign area per side;
5. Such signs shall be set back a minimum of 20 feet from the edge of the public street right-of-way;
6. Such signs shall be oriented to the middle of the front property line unless in conflict with an entrance but, in no case shall be placed within 15 feet of a side property line oriented perpendicular to the front property line
7. The sign shall not be internally illuminated but, may be externally illuminated using a single white light source mounted on the ground with appropriate shields to minimize glare;
8. The sign shall be placed upon a masonry base a minimum of 18 inches in height measured from finished grade;
9. The base surrounding the sign shall be landscaped with a combination of evergreen plantings and seasonal colors and such landscape areas shall be irrigated;

10. Video, animated, scrolling or moving changeable electronic variable messages are not permitted. This provision shall not restrict the copy from changing from one message to another.
11. Period of time between each copy or message shall be a minimum ten (10) seconds.
12. Establishments engaged in the business of selling fuel may use up to one-half (1/2) of the area of its principal ground sign or one-half of the area of any wall sign for changeable copy displaying current fuel prices; and,
13. Marquee signs were permitted shall be permitted to have one poster box, subject to total sign area limits applicable to all wall signs, provided that:
 - (1) Lighting shall be backlighted or internally illuminated;
 - (2) Such boxes shall not exceed 36 by 54 inches each in area;
 - (3) The top of such boxes shall not be more than eight (8) feet above the ground; and
 - (4) Such boxes shall be permanently mounted to a wall.
14. A digital sign is an installation that displays video or multimedia content for informational or advertising purposed.

E. Construction. All signs shall comply with the following requirements as applicable:

1. All signs shall comply with applicable provisions of local, state, and federal building codes including seismic design standards and wind load design specifications.
2. Electrical signs that have internal wiring or lighting equipment, and external lighting equipment that directs light on signs, shall not be erected or installed until an electrical permit has been obtained from the City or authority having jurisdiction. All such signs and equipment shall bear the seal of approval of an electrical testing laboratory that is nationally recognized as having the facilities for testing and requires proper installation in accordance with the National Electrical Code. All wiring to electrical signs or to freestanding equipment that lights the sign shall be installed underground.
3. Supports and braces shall be designed as an integral part of the sign structure and be hidden from public view to the extent technically feasible.

F. Maintenance. All signs must be maintained and present a neat, clean appearance. Abandoned, dilapidated signs shall be removed by the owner. Failure of an owner to remove an abandoned or dilapidated sign may result in removal of the sign at the owner's expense following provision of notice to the owner by the City.

1. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than 30 days.
2. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than ten (10) days.
3. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than 15 days.
4. An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than 15 days.
5. Flags shall not be faded, tattered, or torn.
6. All landscaping installed around the base of a sign shall be maintained whereby any dead plant materials are replaced with the same plant material in a size and spread comparable to other plant materials installed around the base of the sign at the time the replacement plant materials are being installed.

G. **Public Rights-of-Way.** Non-governmental signs including temporary signs may not be placed in public rights-of-way.

1. **Permanent signs.** Permanent signs shall be limited to:
 - (1) Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;
 - (2) Informational signs of a public utility regarding its poles, lines, pipes or other facilities;
 - (3) Signs appurtenant to a use of public property permitted under a franchise or lease agreement with the City; and
 - (4) Signs posted in association with municipal, county, state or federal authorities for crime prevention and public safety and health.
 - (5) At work signs or emergency signage erected by a governmental agency, utility, or contractor performing permitted work.
2. **Temporary signs**
 - (1) Legal notices erected by or on behalf of a governmental body;
 - (2) Emergency warning signs or devices erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

(3) As defined in *Section III.5.2(J) Temporary Signs*, except where otherwise regulated, temporary signs may be permitted in any district for a maximum thirty (30) days. Temporary signs shall be limited to six (6) square feet.

3. **Other Signs in Public Right-of-Way.** Any other sign placed in the public right-of-way in violation of this Ordinance shall be deemed a public nuisance and may be seized by the enforcement official or other representative of the City, and the person owning or placing the sign may be charged both with a violation of this Ordinance and with the cost of removing and disposing of the sign.

H. Freestanding Signs.

1. Freestanding signs shall include the street address number of the property/site.
2. Freestanding signs shall not be placed within two-hundred (200) feet of an existing freestanding sign.
3. Freestanding signs shall maintain a ten (10) foot setback from all public rights of way if sign is taller than ten (10) feet except as noted above in *Section III.5.2(B) Location*, above.

4. **Landscaping.** Freestanding signs shall, to the extent practicable, be placed in a landscaped setting appropriate to the size and scale of the sign, and character of the site.

- (1) In no case shall the planted area be less than twenty-five (25) square feet, unless restricted by the amount or size of land upon which the sign is situated that is owned or controlled by the applicant.
- (2) The planted landscape area shall contain materials such as, but not limited to vegetative freestanding covers, perennials, shrubs, ornamental trees, and mulch, but excluding paving and artificial plant materials.
- (3) Applicants shall provide the City with evidence of such encroachment agreement or license prior to issuance of any permit. Signs erected in violation of this Section are subject to removal by the governmental authority having control of such right-of-way

- I. **Drive-Through Signs.** For each parcel with a lawful, permitted use that utilizes a drive-through lane, a maximum two (2) drive-through menu signs shall be allowed for each drive-through lane and shown on the signage plan.

1. Each allowed drive-through sign may be either a freestanding monument sign or an attached sign and shall not exceed forty-two (42) square feet in sign area.
2. Drive-through signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this Section.

- J. **Temporary Signs.** As defined in this Section except where otherwise regulated, temporary signs may be permitted in any district for a maximum thirty (30) days up to three (3) times per year; however, time frames may not run consecutively. Temporary signs shall be limited to six (6) square feet.
1. Temporary signs, if ground-mounted, shall be placed a minimum of ten (10) feet from the front property line and shall not be placed in such a manner as to obstruct visibility and shall not exceed thirty-two (32) square feet in sign area per side.
 2. Temporary signs, when installed as a wall-mounted sign, shall be attached to and parallel with a wall of the building on which wall signs are permitted and shall not exceed thirty-two (32) square feet of surface area
 3. Supporting structures for temporary signs shall be removed when no temporary sign is present.
 4. For single occupancy buildings, temporary signs shall not be allowed if a permanent ground sign does not exist on the property.
- K. **Painted Art and Murals.** Murals and painted art shall comply with the following standards:
1. Painted art or printed murals are not considered signage so long as it does not incorporate a tradename, trademark, or name of the establishment in the art.
 2. If painted art or printed murals contain tradenames, trademarks, or the name of the establishment in the art, it shall be considered a sign and shall meet the standards of this Section and require a sign permit.
 3. All painted art and murals, regardless of whether or not they are considered a sign, shall be regularly maintained, cleaned and refurbished so the art or mural remains visible and consistent with its approved design.
- L. **Maintenance.**
1. All signs must be maintained to retain structural integrity and shall be maintained in their approved, permitted state.
 2. Repainting of or cleaning a sign shall not require a permit and shall be considered maintenance.
 3. Replacement of an existing sign face (to the same existing size and specifications, like for like) shall require a permit and shall be considered maintenance.
 4. A sign which is abandoned or that is not properly maintained, shall be removed after due notice is given by the City.

5.3. NONCONFORMING SIGNS

It is the policy of the City of Lakeland to encourage that all signs within the City be brought into compliance with the terms and requirements of this Ordinance.

- A. **Nonconforming Signs Adversely Affect Public Health, Safety and Welfare.** The City finds that non-conforming signs may adversely affect the public health, safety, and welfare. Such signs adversely affect the aesthetic characteristics of the City and may adversely affect public safety due to visual impact of said signs on motorists and the structural characteristics of said signs. Accordingly, the following registration requirements are found to be necessary in order to minimize these possible adverse effects through annual inspections and maintenance and allow the City to remain cognizant of the locations and maintenance of said signs.
- B. **Inspection of Nonconforming Signs.** The City may inspect existing signs in the City from time to time to determine if such signs conform to the provisions of this Ordinance.
- C. **Discontinuance of Nonconforming Signs.** Any nonconforming sign, which is not used for a continuous period of thirty (30) months, shall not be reused for sign purposes unless and until it fully conforms with the terms and requirements of this Ordinance.
- D. **Removal of Non-Conforming Signs.** All non-conforming signs provided the non-conformity has been documented as hereinbefore provided shall be removed within the earliest applicable time period or occurrence as specified below:
 - 1. **Change in Use.** When the use of a property changes, including but not limited to the redevelopment of the site or a change in use, the signs on that property must be brought into compliance with the requirements of this Ordinance.
 - 2. **Abandonment.** Any sign related to a use or business that ceases to exist or operate for a continuous period of thirty (30) months shall be considered nonconforming and shall not be reused for sign purposes unless and until it fully conforms with the terms and requirements of this Ordinance, subject to the issuance of a new sign permit.
 - 3. **Alterations to Nonconforming Signs.** No alterations to a nonconforming sign or sign structure shall be permitted except minor repairs and maintenance. Any structural or other substantial maintenance or improvement to a nonconforming sign (except painting or refinishing the surface of the existing sign face or sign structure so as to maintain proper appearance) shall be deemed an abandonment

of the nonconforming status, shall render any prior permit void, and shall result in the reclassification of such sign as an illegal sign.

- E. **Alteration, Expansion, Moving.** No nonconforming sign shall be changed or altered in any manner which would increase the degree of its nonconformity, be expanded, altered to prolong its useful life, or removed in whole or part to any other location where it would be nonconforming.
- F. **Damage or Destruction.** In the event that any nonconforming sign is damaged or destroyed by any means, to the extent of more than fifty percent (50%) of the fair market value of such sign immediately prior to such damage or destruction, such sign shall not be restored unless it shall thereafter, conform to this Ordinance.
- G. **Maintenance and Repair of Nonconforming Signs.** No structural repairs, change in shape, size, or design, shall be permitted except to make a nonconforming sign comply with all requirements of this Ordinance.
- H. **Other Sign Permits On Premises.**
 - 1. For single occupant properties, the issuance of a sign permit for a new or replacement sign shall be subject to the condition that all nonconforming signs on that property shall be removed or brought into compliance as part of the work of installing the new or replacement sign.
 - 2. For multi-occupant properties, the issuance of a sign permit for a new or replacement sign for any individual occupant shall be subject to the condition that all nonconforming signs for that occupant shall be removed or brought into compliance as part of the work of installing the new or replaced sign.
 - 3. This Section shall not apply to the issuance of a permit for a temporary sign.
- I. **Required Removal.** Where an amendment to a previously approved development plan is proposed, approval of such plan shall be contingent upon removal of all nonconforming signs on the site. For example, if an existing retail establishment proposed a building addition or parking expansion, then any nonconforming signs on the property must be brought into compliance as a condition of approval of the amended site plan.
- J. **Replacement of Nonconforming Sign.** Another nonconforming sign may not replace a nonconforming sign.

5.4. CALCULATION OF SIGN AREA AND SIGN HEIGHT

- A. **Calculating Sign Area.** The area of a sign shall include all lettering, wording, designs, and symbols, together with the background, whether open or enclosed, on which they

are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. Calculating sign area shall comply with the following standards below:

1. Where a sign consists of individual letters, words or symbols attached to a building, canopy, awning or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall. Where such sign includes multiple words, each word located in the same plane shall be computed separately.
2. Channel letter signs, mounted logos, and similar devices are treated differently than signs in cabinets. The wall area between multiple elements does not count as sign area.
3. The area for a sign with more than one face shall be computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed sixty (60) degrees.
4. The entire surface area of a multitenant sign that depicts the names of the individual tenants shall count toward the total aggregate area of the sign.

Figure III.5.1 Sign Area Calculation

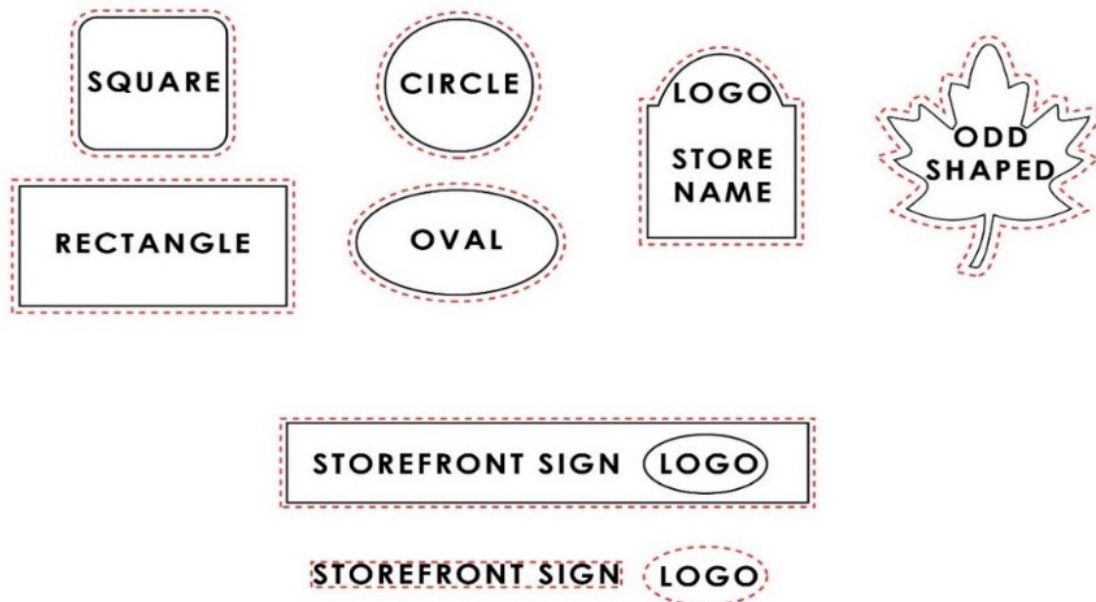
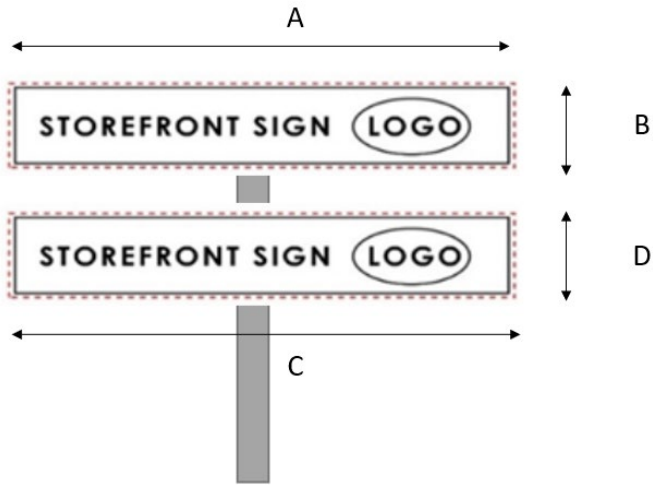
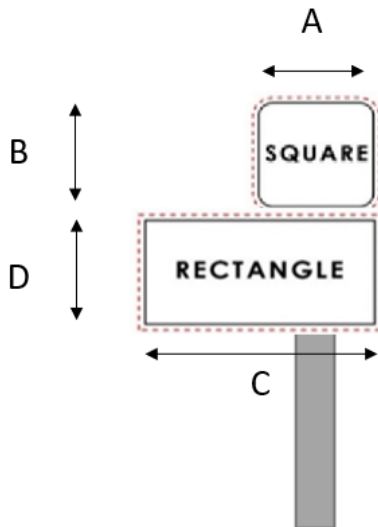


Figure III.5.2 Sign Area Calculation for Multiple Signs on Single Pole Illustration



Total Sign Surface Area =
 $(A)(B) + (C)(D)$

Figure III.5.3 Sign Area Calculation for Multiple Signs on Single Pole Illustration

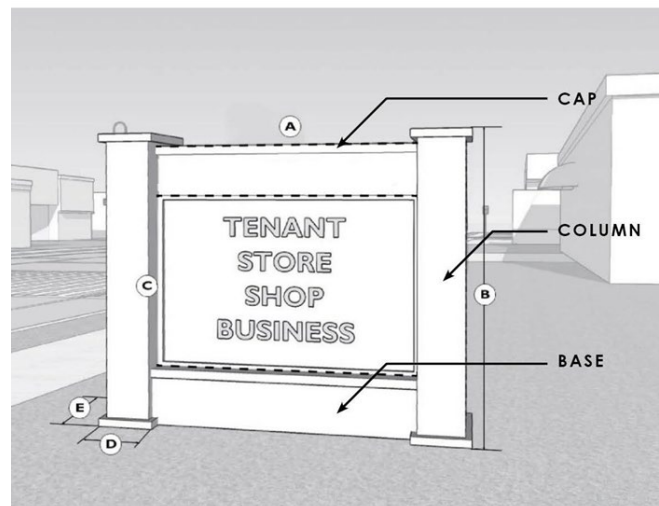
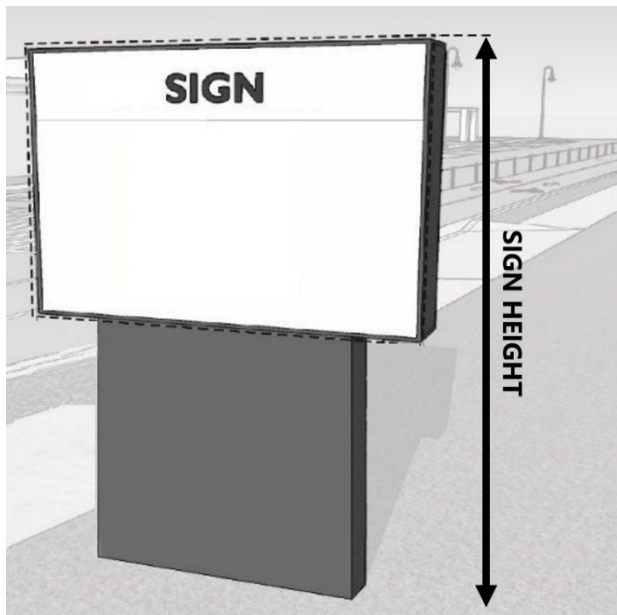


Total Sign Surface Area =
 $(A)(B) + (C)(D)$

B. Sign Height

1. Sign height shall be measured as the vertical distance from the base of a sign (or sign structure) to the highest point of the sign (or sign structure) including any appurtenances or architectural features (see *Figure III.5.4 Sign Height Illustration*).
2. Sign clearance for signs attached to a structure shall be measured vertically from the sidewalk level to the lowest point of the sign.
3. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where the normal grade is below grade at street level, sign heights shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.

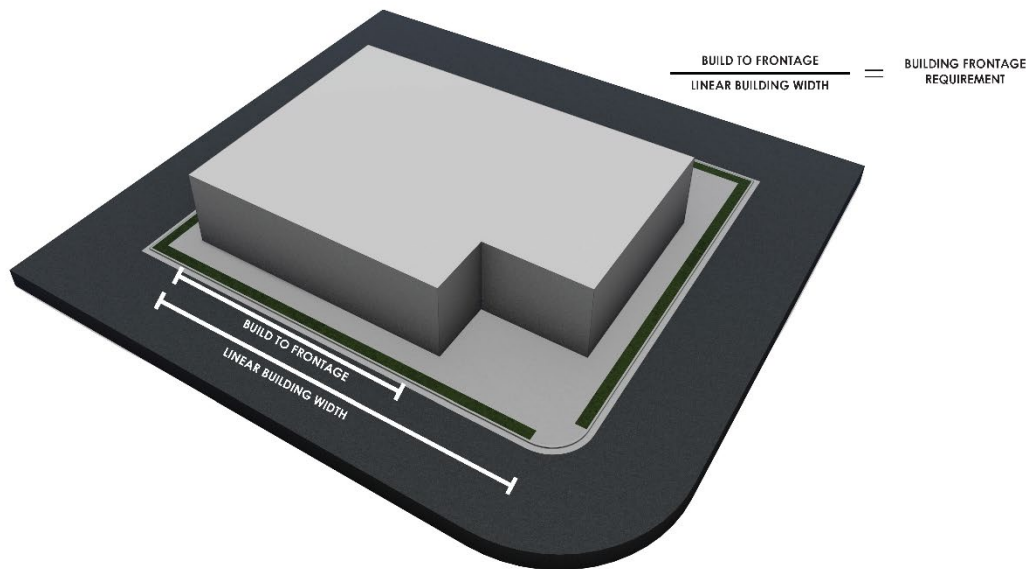
Figure III.5.4 Sign Height Illustration



- C. Building Frontage.** Building frontage shall mean the horizontal length of a building on the side with its principal entrance as shown in *Figure III.5.4 Sign Height Illustration*. If that side is a straight wall, then the building frontage shall be the length of the wall. If the side is not a straight wall, the building frontage shall be the horizontal distance from the corner at one end of the side of the building with the principal entrance to the

other corner on the same side of the building; where that side of the building is concave, then the measurement shall be made in a straight line from corner to project in front of the front corners, then the measurement shall be made as the shortest distance between two lines projected from the two front corners of the building, with such lines parallel to each other and as close as practicable to perpendicular to the front of the building.

Figure III.5.5 Building Frontage Measurements



5.5. PERMITTED SIGN TYPES

A. Signs permitted within each zoning district are identified in *Table III.5.1 Permitted Sign Types*. Specific Standards, including sign area are provided in *Section III.5.6 Permitted Sign Area and Number of Signs*. Permitted sign types require a permit unless expressly stated otherwise in these standards. Window Signs and Sidewalk Signs do not require a sign permit.

Table III.5.1 Permitted Sign Types

P = Permitted	Residential								Non-Residential											Mixed-Use					
	RR	ER	R1	R2	R3	R4	RM1	RM2	A	C1	C2	NO	O	P	GG	OR	CON	M1	M2	M3	NC	TC	CC-MX	RC-MX	
Building Signs																									
Wall Signs			P	P	P	P				P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
Window										P	P	P	P	P		P	P				P	P	P	P	P
Projecting										P	P	P	P	P							P	P	P	P	P
Free-Standing Signs																									
Monument										P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Subdivision	P	P	P	P	P	P	P	P	P												P	P	P	P	P
Pole/Pylon										P	P								P	P	P				P
Other																									
Sidewalk	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Marquee										P	P			P							P	P	P		

5.6. PERMITTED SIGN AREA AND NUMBER OF SIGNS.

5.6.1. BUILDING SIGNS

Building signs include wall, window, canopy/awning, and projecting/blade signs.

A. **District Standards.** For the purposes of this Section, the maximum area of all building signs shall not exceed the standards below.

1. **Residential Districts.** All permitted building signs in residential districts shall not exceed the standards below:
 - (1) Building signs for permitted uses in residential districts shall not exceed twenty-five (25) square feet in sign area.
2. **Non-Residential Districts.** All permitted building signs in non-residential districts shall not exceed the standards in *Table III.5.2 Non-Residential Building Sign*. Additional Specific Standards are required for each sign type per *Section III.5.6.4 Specific Standards*.

Table III.5.2 Non-Residential Building Sign

Use Type	Sign Area
Up to 100 linear feet of building frontage (single use or multitenant)	Eight (8) percent of the facade not to exceed 200 square feet in total
101 to 200 more linear feet of building frontage (single use or multitenant)	Twelve (12) percent of the facade not to exceed 200 SF total
For freestanding single tenant buildings in excess of 50,000 square feet	Fifteen (15) percent of the facade or 500 SF whichever is less

5.6.2. FREESTANDING SIGNS

Freestanding signs include monument and subdivision signs as defined in this Section. Freestanding signs shall comply with the size standards below.

A. **General Standards.**

1. **Residential Districts.**
 - (1) Freestanding signs shall be limited to eight (8) square feet on residential single-family lots and a maximum thirty-two (32) square feet on all other lots. Unless expressly stated otherwise in *Section III.5.6.4 Specific Standards*.
 - (2) Freestanding signs shall be limited to a maximum of four (4) feet in height.
2. **Non-Residential Districts**
 - (1) Freestanding signs shall comply with the specific standards in *Section*

III.5.6.3 Total Number of Signs.

5.6.3. TOTAL NUMBER OF SIGNS

A tenant/business is permitted a maximum number of signs as identified below. A tenant/business shall be defined as an owner or lease holder of the individual building/unit within a building.

- A. **Building Signs.** A total of three (3) building signs may be permitted per tenant/business. Such signs shall be permitted only on a building frontage along a public or private roadway, or along a parking lot serving the building.

Figure III.5.6 Illustrative Example of Building Signs



1. **More Than One Street Frontage.** For buildings with more than one (1) street frontage, the total maximum area of building signs shall be based only on the linear feet of the building frontage or tenant space fronting along the primary frontage which includes a public entrance.
 2. **Local Road.** Building signs may be placed on the portion of the tenant/building space fronting a local road only when that building frontage includes a public entrance.
- B. **Freestanding Signs.** A maximum of three (3) freestanding signs are permitted per development, subject to the specific standards for the type of freestanding sign per *Section III.5.6.2 Freestanding Signs*.

5.6.4. SPECIFIC STANDARDS

A. Wall Signs

1. **Permitted Location.** Wall signs are permitted directly above the primary entrance, located on the supporting building wall.
2. **General Standards.**
 - (1) Wall signs shall be limited to the principal building only.
 - (2) Wall signs shall not be placed on a wall that does not face a public street or parking area.
 - (3) A maximum three (3) complimenting colors may be permitted per wall sign.
 - (4) May not extend above any parapet wall or roof line more than twelve (12) inches.
 - (5) May not project more than twelve (12) inches from the building face.
 - (6) Sign materials shall be of similar style and compliment the building facade material.
 - (7) Direct illumination only; no internal illumination is permitted.

Figure III.5.7 Wall Sign



B. Canopy/Awning Sign Including Suspended Signs

1. **Permitted Location.** Signs may not extend outside the overall length or width of a canopy/awning or extend above the height of the building wall to which the canopy/awning is attached. Signs shall have a minimum clearance of ten (10) feet from the surface below and a maximum height of two (2) feet above the face of the

awning/canopy.

2. General Standards.

- (1) Sign materials shall be of similar style and compliment building facade material.
- (2) Only awnings on the first story may contain signs.
- (3) Suspended signs shall be further limited to the following:
 - i. Shall not exceed one per building or tenant entrance;
 - ii. Shall not exceed three (3) square feet in sign area;
 - iii. Shall not be separately illuminated; and,
 - iv. Shall contain only the two (2) pieces of information excluding the street number or suite number of the occupant served by the entrance.

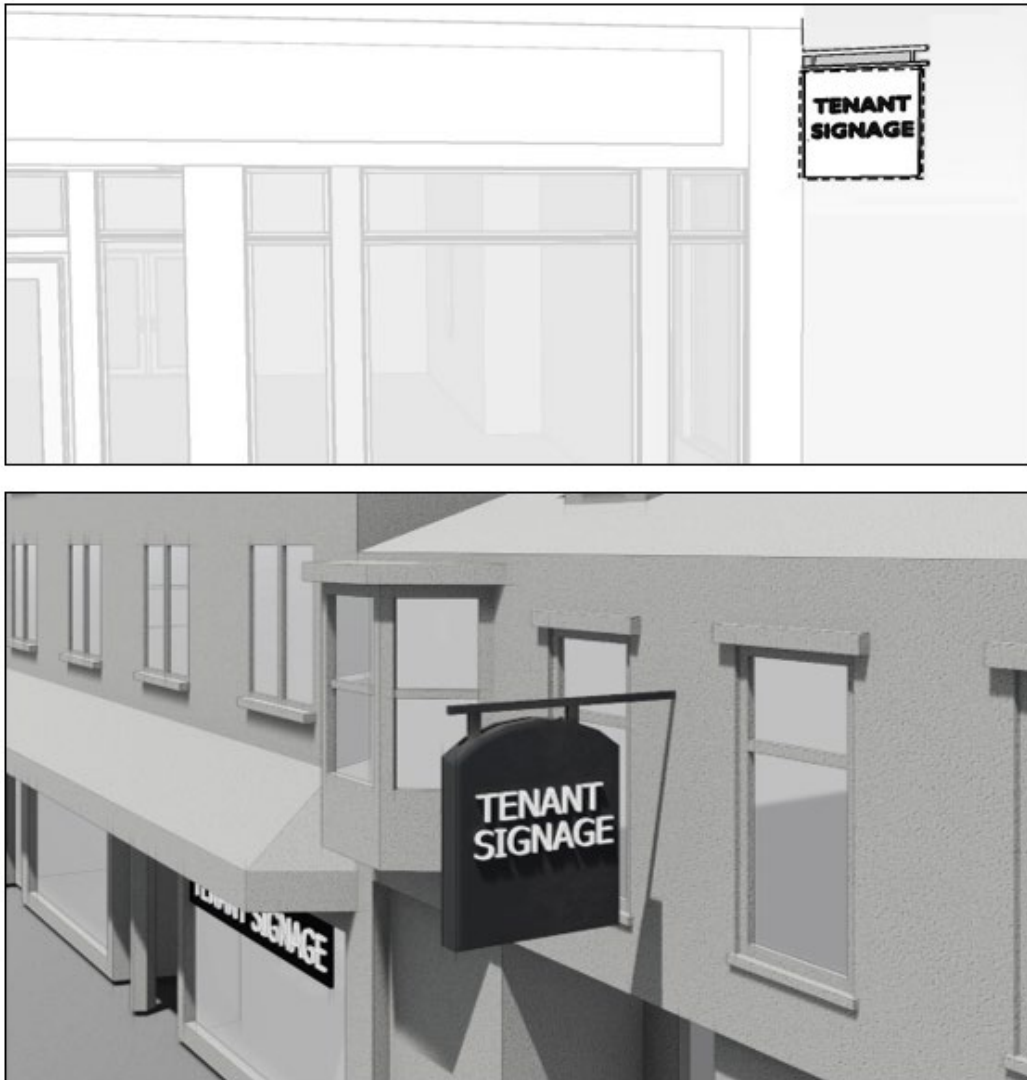
Figure III.5.8 Canopy/Awning Sign



C. Projecting Sign

1. **Permitted Location.** Projecting signs on a multi-tenant building shall be evenly, horizontally distributed along the façade of the building.
2. **General Standards.**
 - (1) Buildings with two (2) or more stories shall not have a projecting sign located higher than the second story or twenty-four (24) feet, whichever is less.
 - (2) No projecting sign is allowed to extend above the roof line or the parapet wall.
 - (3) Shall not exceed four (4) square feet in size.
 - (4) The sign shall extend more than one (1) foot but less than three (3) feet from the building wall.
 - (5) The sign may be flat or three -dimensional.

Figure III.5.9 Projecting Sign



D. Monument Sign Including Shopping Center Signs

1. **Permitted Location.** A Monument Sign shall be located no closer than 10 (ten) feet from than the edge of the public right-of-way and shall be oriented to the middle of the front property line unless in conflict with the sight triangle but, in no case shall be placed within 15 feet of a side property line oriented perpendicular to the front property line.
2. **Permitted Sign Dimensions.**
 - (1) **Developments under 100,000 square feet.**
 - i. **Sign Width.** Maximum eight (8) feet, excluding support structures, columns, or decorative features without a sign face.
 - a. Primary signs of multi-tenant projects/developments may be permitted a maximum fifteen (15) feet in width.
 - b. Secondary signs of multi-tenant projects/developments may be permitted a maximum twelve (12) feet in width.
 - ii. **Sign Height.** Maximum twelve (12) feet, including support structures, columns or other features including sign face.
 - (2) **Developments over 100,000 square feet.**
 - i. **Sign Height.** Maximum fifteen (15) feet in height sign as part of a site plan.
 - ii. **Sign Area.** For projects/developments up to five (5) acres, a maximum sign area of thirty-two (32) square feet for a single tenant and one hundred (100) square feet for a multi-tenant development is permitted.
 - (3) **Projects/developments five (5) acres or greater.**
 - i. **Sign Area.** Maximum one hundred (100) square feet for a single tenant and two hundred (200) square feet for a multi-tenant project/development is permitted.
 - a. The sign area per sign of multi-tenant projects/developments may be calculated collectively to allow for the sign area to be proportionate to the area of the site occupied by each tenant.
3. **General Standards.**
 - (1) The Sign shall be placed upon a masonry base a minimum of 18 inches in height measured from finished grade.
 - (2) Both sides of the two-side ground sign shall be identical in design and content.
 - (3) The base of the sign shall be landscaped with evergreen and deciduous shrubbery and seasonal colors on each side of the sign in an area equivalent

to the total sign area of each face of the sign. All landscaping shall be irrigated.

4. Shopping Center Signs.

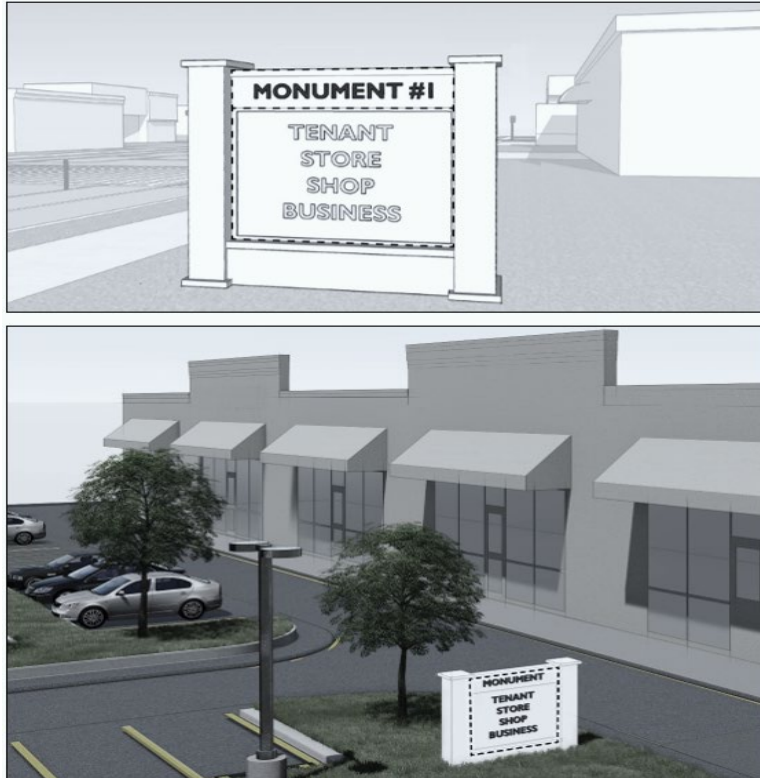
(1) **Permitted.** Shopping Center Signs may be permitted on commercial sites that meet all of the following criteria:

- i. the property upon which the sign would be located is zoned C-2.
- ii. the commercial project is located directly adjacent to Canada Road, Highway 64, or Highway 70.
- iii. the project contains at least 20,000 sq. ft. of leasable area.
- iv. the project contains at least eight (8) tenant spaces.

(2) **General Standards.**

- i. A maximum of one shopping center sign shall be allowed per street frontage and shall be located only on an arterial road (Canada Road, Highway 64, or Highway 70).
- ii. The maximum total sign area shall be 150 square feet.
- iii. The maximum size of the directory space shall be 120 square feet.
- iv. The maximum height of the sign shall not exceed 15 feet.
- v. The maximum width of the sign face shall be 10 feet.
- vi. The maximum individual tenant space on the sign shall be 15 square feet.
- vii. The minimum letter height allowed for tenant identification on the sign shall be 10 inches.
- viii. The minimum setback from right-of-way is 10 feet.
- ix. No shopping center sign shall be located within 500 feet of another shopping center sign.
- x. The shopping center sign shall include the street address of the center, or the address range if more than one address is included in the project.
- xi. The sign shall be placed upon a brick or stone base a minimum of 18 inches in height measured from finished grade.
- xii. The base of the sign shall be landscaped with evergreen and deciduous shrubbery and seasonal colors on each side of the sign in at least an area equivalent to the total sign area of each face of the sign.
- xiii. No Sign within six hundred (600) feet of any residential District shall be illuminated between the hours of midnight and 6:00 a.m. unless the sign is visibly obstructed from the residential District.

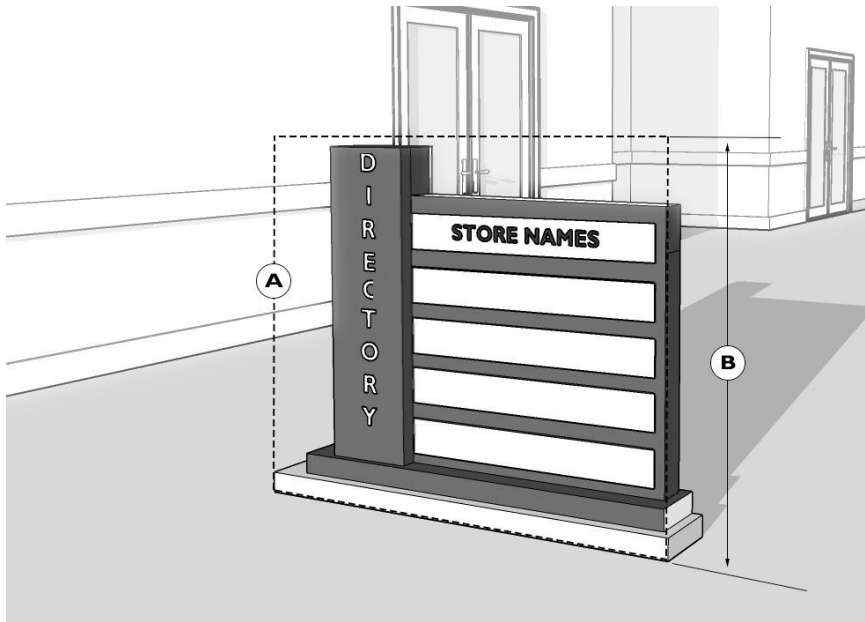
Figure III.5.10 Monument Sign



E. Directory Sign

1. **Permitted Location.** Directory Signs shall be located near entrances to parking areas, but not less than 100 feet from any public right-of-way, and at principal intersections within the site, where such intersections are not less than 100 feet from any public right-of-way.
2. **Permitted Sign Dimensions.**
 - (1) **Sign Area.** Maximum 16 square feet.
 - (2) **Sign Height.** Maximum 4'.
3. **General Standards.**
 - (1) A directory sign is not attached, supported, or suspended to or from any building or structure.
 - (2) Developments less than 10 acres in size may have up to 2 directory signs; developments greater than 10 acres in size may have one additional Directory Sign for each 10 acres.

Figure III.5.11 Directory Sign



F. Subdivision Sign

1. **Permitted Location.** Subdivision Signs shall be located at the entrance to the subdivision or development.
2. **Permitted Sign Dimensions.**
 - (1) **Maximum Sign Width.** Maximum twenty-five (25), excluding support structures, columns, or decorative features without a sign face.
 - (2) **Maximum Sign Height.** Maximum eight (8) feet, including support structures, columns or other features including sign face.
 - (3) **Maximum Sign Area:**
 - i. For projects/developments up to five (5) acres, a maximum thirty-two (32) square feet.
 - ii. For Projects/developments five (5) acres or greater, a maximum of one hundred (100) square feet divided across (up to) three (3) signs.
3. **General Standards.**
 - (1) A maximum of two (2) signs per entrance are permitted.
 - (2) Subdivision signs may be placed on a subdivision wall or fence provided that no part of the wall or fence exceeds six (6) feet in height.
 - (3) Subdivision signs shall contain no commercial message.

Figure III.5.12 Subdivision Sign



G. Sidewalk/A-Frame Sign

1. **Permitted Location.** Each business is limited to one sidewalk sign, located only in front of the building entrance.
2. **Permitted Sign Dimensions.**
 - (1) **Sign Text Area.** Maximum eight (8) square feet per side.
 - (2) **Sign Width.** Maximum two (2) feet.
 - (3) **Sign Height.** Maximum four (4) feet.
3. **General Standards.** A sidewalk sign may not be placed so as to obstruct the normal flow of pedestrian traffic.

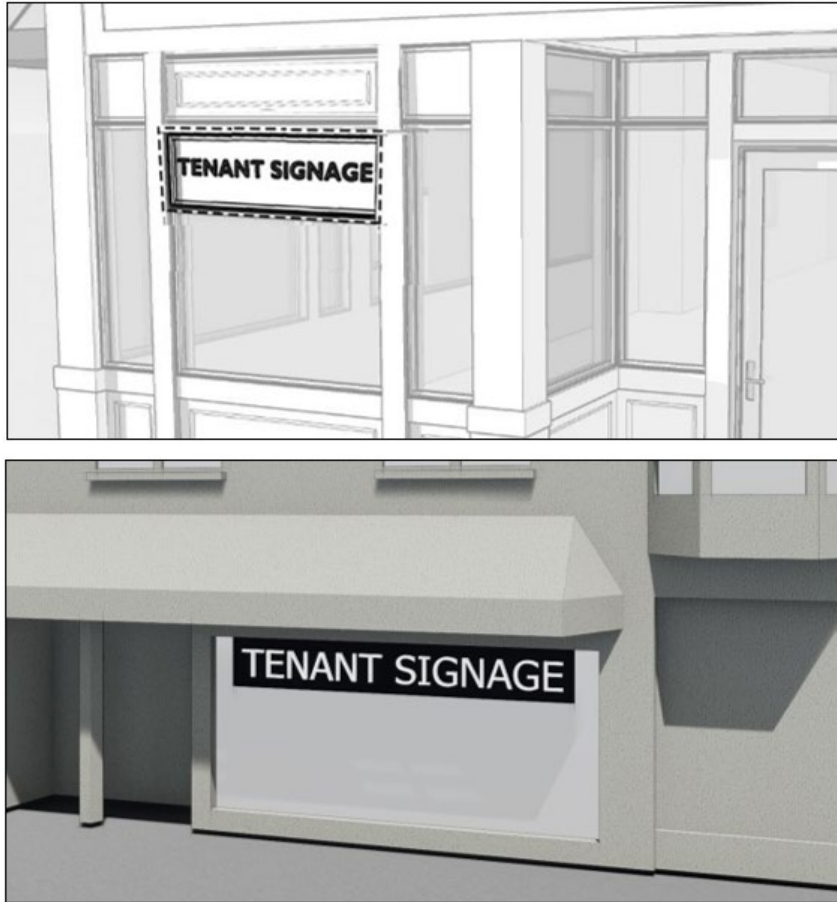
Figure III.5.13 Sidewalk/A-Frame Sign



H. Window Sign

1. **Permitted Location.** Window signs may only be placed on first floor windows of buildings with street frontage.
2. **Permitted Sign Area.** Maximum twenty (20) percent of all windows may be covered by a window sign.
 - (1) Window signage may not be aggregated into one or more cumulative (larger) signs whereby the area for each window is combined.

Figure III.5.14 Window Sign



I. Pole/Pylon Sign

1. Permitted Location.

2. Permitted Sign Dimensions.

- (1) **Sign Width.** Maximum eight (8) feet, excluding support structures, columns, or decorative features without a sign face.
- (2) **Sign Height.** Maximum six (6) feet, excluding support structures, columns, or decorative features without a sign face.

3. General Standards.

- (1) Sign materials shall be of similar style and compliment building facade material.
- (2) Pole/pylon signs shall have a minimum clearance of fourteen (14) feet from the surface below and a maximum height of six (6) feet above the clearance.

Figure III.5.15 Pole/Pylon Sign



J. Other Signs

1. **Interstate Signage.** The following signs shall be permitted on a parcel that is zoned C2, General Commercial and adjoins the right-of-way of Interstate 40: One (1) monument-style interstate sign as follows provided that:
 - (1) The monument-style interstate sign shall contain a solid base and shall be solid monument-style or a minimum of two (2) architecturally detailed columns of similar material to the base of the sign as approved by the Design Review Commission. No exposed posts or poles shall be permitted. The materials should match and/or compliment the materials, colors, and textures of the principal structure on the subject parcel.
 - (2) The monument-style interstate sign shall be placed in the middle third of the frontage directly abutting Interstate 40 unless otherwise authorized by the Design Review Commission.
 - (3) The height shall not exceed 35 feet measured from the finished grade to the uppermost element of the sign structure.
 - (4) The maximum sign area per sign face shall not exceed one hundred (100) square feet.
 - (5) The sign face shall be limited to three (3) colors excluding the background color if internally illuminated. The Design Review Commission may allow the sign face to exceed three (3) colors excluding the background color if non-internally illuminated not to exceed a maximum of five (5) colors excluding background color.
 - (6) The sign may be internally illuminated provided the background color shall be opaque and not be permitted to transmit light through the material.

- (7) The sign shall be limited to two (2) pieces of information. Both sign faces shall contain the same pieces of information.
 - (8) Multiple-tenant occupancies shall not be permitted to have multiple-tenant signage (i.e., the principal tenant or the shopping center shall be the only tenant permitted to have a sign even if a multiple tenant occupancy exists).
 - (9) The sign shall be positioned in the yard facing the right-of-way of Interstate 40 and shall be no closer than fifty (50) feet from the property line abutting the Interstate right-of-way.
 - (10) The base surrounding the sign shall be landscaped an area equal to the total sign area and shall consist of a combination of evergreen and deciduous plant materials including trees and shrubs. All landscaping shall be irrigated. Any dead or diseased plant materials shall be replaced immediately.
2. **Convenience/ Gasoline Trade Signs.** Petroleum product pumps and dispensers that are within view of the public right-of-way shall be permitted to display only that information required by law along with brand name and type of product being dispensed. No other advertising shall be displayed on the pumps, temporary or permanent.
- (1) **Principal Ground Sign.** Premises that dispense retail bulk petroleum products by pump shall be allowed to display the changeable copy pricing of such products within a single principal ground sign or wall sign. The principal ground sign may also contain the name and/or logo of the principal tenant; provided, however, said principal ground sign or wall sign shall conform to the design requirements contained in *Section III.5.6.4 Specific Standards*.
 - (2) **Canopy Sign.** When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area. In the absence of an enclosed principal structure, for the purposes of this subsection, canopy signage may be allowed in addition to the permitted principal ground sign. With the exception of the measurable area for placement of the canopy sign, no internally illuminated or back lighting of the outside canopy area or canopy roofline shall be permitted. Only one (1) canopy sign not exceeding a total sign area of ten (10) square feet shall be permitted on one (1) canopy façade regardless of the number of streets the property fronts.
 - (3) **Fueling Station Identification Sign.** For the purpose of identifying the brand of gasoline, each pump shall be allowed one sign not to exceed one (1)

square foot mounted on the pump facade. No other commercial message shall be displayed.

- (4) **Multiple-tenant Convenience Centers.** For the purpose of identifying multiple tenants within a Convenience Center, the Principal Ground Sign or Wall Sign may be divided equally among those tenants occupying the Convenience Center; provided, however, said principal ground sign shall conform to the design requirements contained in *Section III.5.6 Specific Standards*.

5.7. SIGNS EXEMPT FROM REGULATIONS

A. **Types of Exempt Signs.** The following signs are permitted and may be erected in any zoning district (unless explicitly prohibited elsewhere in the Code) without securing a permit. Exempt signs shall comply with all general sign standards. Exempt signs include:

1. Any official or public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance, by a public utility company or by order of a court of competent jurisdiction.
2. Incidental signs shall be allowed provided that they contain no commercial message or logo and do not exceed one (1) square foot in area placed a minimum of ten (10) feet from the front property line. Incidental Signs also include regulatory signs as included within the Manual on Uniform Traffic Control Devices (MUTCD), as may be amended. Incidental ground signs shall not exceed twenty-four (24) inches in height measured from finished grade. Signs required by Federal, State, or local laws, ordinances, codes, or regulations.
3. Historic markers, memorial plaques, cornerstones, historical tables.
4. Any sign integrated into or on an ATM, coin-operated machine, gasoline pump, vending machine, mailboxes, ice containers, or similar equipment or machine.
5. Street address signs.
6. Signs inside a building or structure and not visible from a public right-of-way.
7. On-site parking space signs not exceeding one (1) square foot of sign face per sign; excluding logos or advertising.
8. Government signs located in public right-of-way.
9. Street light pole banners located in public right-of-way.
10. Flagpoles and flags; Flagpoles shall not exceed twenty-five (25) feet in height in residential districts, thirty (35) feet in nonresidential districts.

11. Signage on fence wraps affixed to perimeter fencing at a construction site.
12. Signs, lights, figurines, and decorations that are temporarily displayed for a maximum of sixty (60) days at a time, three (3) times a year. Maximum four (4) square feet for any sign.
13. Human held signs that do not obstruct the flow of vehicular or pedestrian traffic.
14. Additional exemptions for residential uses:
 - (1) No internal or external lighting of the sign is permitted.
 - (2) Up to six (6) square feet of signage placed in a window or in a yard.
 - (3) An additional six (6) square feet of signage may be placed in a window or in a yard:
 - i. Except where otherwise regulated by Tennessee Code Annotated § 2-7-143 "Tennessee freedom of Speech Act", Beginning sixty (60) days before, and ending one (1) day after, a Federal, State, or local government election;
 - ii. While the property where the sign is located is offered for sale or rent; or
 - iii. Beginning three (3) days before, and ending one day after, a garage or yard sale.

B. Standards for Exempt Signs. Except for government signs, exempt signs may not be closer than five (5) feet front the front lot line. No sign may be closer than five (5) feet from any driveway, curb, or edge of pavement. Signs which become visibly damaged must be removed.

5.8. PROHIBITED SIGNS

- A. Types of Prohibited Signs.** The following signs and sign-types are prohibited within the City and shall not be erected. All signs not expressly permitted under this Ordinance or exempt from regulation as provided for in this Ordinance are prohibited. Any lawfully existing permanent sign or sign-type that is among the prohibited signs and sign-types listed below shall be deemed a nonconforming sign, subject to the provisions of *Section III.5.3. Nonconforming Signs*. Prohibited signs include:
1. Signs prohibited by Federal or State law.
 2. Signs that emit sound (except for drive-through signs), vapor, smoke, odor, particles, or gaseous matter.
 3. Revolving signs, flashing signs, inflatable signs, and wind signs.
 4. Portable signs, except for human held signs, which are exempt from this Section.
 5. Roof signs.
 6. Any sign located on real property without the permission of the property owner.

7. Open channel letter signs.
8. Signs within required landscape and buffer areas.
9. Off-premises signs that advertises goods provided on a different lot, tract, or site from where the sign is located. This provision shall not apply to neighborhood/subdivision signs. Billboards and outdoor advertising are not permitted but may continue as a nonconforming use. Billboards and outdoor advertising are required to be consistent with the Tennessee Outdoor Advertising Control Act of 2020.

5.9. DEFINITIONS

A. **Definitions.** The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. **Attention-Attracting Device.** Any device or object visible from any public right-of-way which is primarily designed to attract the attention of the public to a business, institution, sign, or activity through such means, including but not limited to illumination, color, size, or location. Attention- attracting devices or objects oftentimes incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing.
 - (1) Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, strings of lights, barber poles, internally illuminated translucent canopies or panels, electronically controlled message boards (time/temperature signs, gas price signs, public service announcements, etc.), banners, streamers, propellers and inflatable objects (including strings of balloons) or other device designed to attract attention.
 - (2) Approved traffic-control devices are not considered to be attention-attracting devices.
2. **Awning.** Any rigid or non-rigid material, such as metal, fabric, or flexible plastic that extends from the exterior wall of a building and is supported by or attached to a frame.
3. **Background Area.** The entire area of a sign on which copy could be placed, as opposed to the copy area, where copy is in fact posted or painted (see also "Face of Sign").
4. **Beacon.** Any light with one or more beams regardless of intensity directed into the

atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

5. **Canopy.** A roof structure constructed of rigid materials, including but not limited to, metal, wood, concrete, plastic, or glass, which is attached to and supported by a building, or which is free-standing and supported by columns, poles or braces extended from the ground. Unlike a marquee, a canopy generally has very limited vertical surface area; and unlike an awning, a canopy is generally supported by vertical elements rising from the ground at two or more corners.
6. **Channel Letter.** The outline of a letter, with metal sidewalls into which a neon tube, fiber optics or LED's are placed. A channel letter's sign prevents the neon from having a run together appearance. The depth of the channel letter may vary. Variations include: open channel letter, reverse channel letter, and front and back lit letters.
7. **Charitable/Nonprofit Event.** An event which takes place entirely or partially within the City of Lakeland and the organization holding the event is classified as a nonprofit or charitable organization.
8. **Commercial Message.** Any sign, wording, logo, or other representation, except for the actual name of the business, that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.
9. **Copy.** The wording and advertising display on a sign surface.
10. **Copy Area.** The area in square feet of the smallest geometric figure that describes the area enclosed by the actual copy of the sign. For wall or canopy sign, the copy area limits refer to the message and the illuminated background.
11. **Seasonal Decorations.** Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent and contain no advertising material or commercial message.
12. **Logo.** The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.
13. **Marquee.** A roof-like structure that cantilevers from the wall of a building over its principal entrance that has no vertical supports other than the wall from which it cantilevers.
14. **Neon.** A tasteless, colorless, inert gas - When an electric current is discharged through it, neon produces a reddish-orange glow. Neon is also used synonymously

with a type of luminous tube sign where a glass tube is bent to a desired shape, fitted with an electrode at each end, the atmosphere is pumped and burned out, and the resulting vacuum is filled with a rare gas, such as neon, helium, argon, mercury vapor or a combination of gases.

15. **Open Channel Letter.** A channel letter which has no face and in which the neon tubing is visible.
16. **Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string or pole, usually in series, and which is designed to move in the wind.
17. **Poster Box.** A box installed on a wall for the purpose of displaying posters of shows at a theater.
18. **Public Event Banner.** Any sign of lightweight fabric or similar material, except for national, state, municipal or official flags of any institution, that is mounted to a pole or building by a supporting frame at two or more edges.
19. **Raceway.** A metal structure enclosing the electric components of a sign.
20. **Real estate information tube/box.** A box or tube attached to one end of the temporary real estate sign for the purpose of holding a brochure whose information relates to the subject property. The dimensions of the box shall be a maximum ten inches by 14 inches by three inches, and the tube shall be a maximum 12 inch by three-inch diameter. The box and the tube shall be black or white in color, or translucent. Advertising on the exterior of the box or tube shall be prohibited.
21. **Sign, Abandoned.** A permitted sign that was erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of 30 days or more, or a permitted temporary sign for which the permit has expired.
22. **Sign, Animated.** Any sign that uses movement, projection, or change of lighting or other electrical impulses to depict action or create a special effect or scene, except LED displays on restaurant menu boards. Variable display signs, beacons and moving message boards are considered to be animated signs under this article.
23. **Sign, Awning.** A sign located on an awning. This may also include a Suspended sign, one in which the sign is placed, connected and or attached to the underside of an awning or building overhang.
24. **Sign, Backlighting (Back lit).** A sign consisting of a cabinet containing a light source surrounded by one or more translucent faces.

25. **Sign, Banner.** Any sign printed or displayed upon cloth or any other flexible material, with or without frames or insignia.
26. **Sign, Building Marker.** Any sign indicating the name of a building and date and incidental information about its construction. Such sign typically is cut into a masonry surface or made of bronze or other permanent material.
27. **Sign, Building.** Any sign attached to any part of a building, as contrasted to a “ground sign.”
28. **Sign, Canopy.** Any sign that is a part of or attached to a structural protective cover over a door, entrance, window, or outdoor service area. This may also include a Suspended sign, one in which the sign is placed, connected and or attached to the underside of a canopy or building overhang. A marquee is not a canopy sign.
29. **Sign, Changeable Copy (Manual).** Any sign designed so that letters or numbers attached to the sign can be periodically changed manually to indicate a different message.
30. **Sign, Changing (Automatic).** A sign, such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.
31. **Sign, Construction.** Any sign bearing the names of contractors, architects, engineers, and the like, or advertising, promotions, price ranges and similar information, that is placed at a construction site that has received development plan approval from the City of Lakeland.
32. **Sign, Directory.** A ground or building sign that lists tenants or occupants of a building or project, with unit numbers, arrows, or other directional information. A directory sign is intended primarily for pedestrian orientation, dissimilar to a monument sign which is intended primarily for vehicular orientation.
33. **Sign, Double-faced “V” Type Back-to-Back.** Those configurations or multiple sign structures, as those terms are commonly understood. In no instance, shall these terms include two or more signs which are not physically contiguous or connected by the same structure or cross- bracing or, in the case of the back-to-back or “V” type signs, located no more than three (3) feet apart at their point of connection.
34. **Sign, Exempt.** Any sign which is exempt from the permit requirements established herein.
35. **Sign, Existing.** Any sign lawfully erected, mounted or displayed prior to adoption of this Ordinance.

36. **Sign, Face.** The entire area of sign on which copy could be placed; the area of a sign which is visible from one direction as projected on a plane (see also “Background Area”).
37. **Sign, Flashing.** A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted light source. A sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden and marked changes in lighting effects. A sign that automatically and periodically changes its message more than once per day shall be considered a flashing sign under this Ordinance. LED displays on restaurant menu boards are not considered flashing signs.
38. **Sign, Ground.** A sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure. A Ground Sign will be allowed as a monument sign in its allowed district but may never be constructed as a single pole sign. A Ground Sign is not a single pole/pylon sign.
39. **Sign, Identification.** A sign bearing the address of the premises or name of occupant but containing no logo or commercial message.
40. **Sign, Illegal.** A sign that contravenes this chapter, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.
41. **Sign, Illuminated (Internally).** A sign that transmits light through its face or any part thereof.
42. **Sign, Incidental.** A sign, generally informational, that has a purpose secondary to the use of the site on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and similar information and directives. No sign with a commercial message legible from a position off the site on which the sign is located shall be considered incidental.
43. **Sign, Institutional.** A sign bearing a message related to an institutional use, where such sign is located on the same premises as such use.
44. **Sign, Interstate.** A monument-style sign located on a parcel zoned commercial and also having no less than 1,000 linear feet of lot frontage upon directly upon the right-of-way of Interstate 40 and installed in accordance with *Section III.5.6.4(J)(1) Interstate Signage* of this Ordinance.
45. **Sign, Marquee.** A sign attached to or mounted to or on top of a marquee.
46. **Sign, Menu Board.** An accessory sign providing items and prices associated with a drive-thru window.

47. **Sign, Model Home.** A temporary sign designating a furnished model home.
48. **Sign, New Project Real Estate.** A sign announcing space available for sale, rent or lease within a new project or a project having undergone renovation efforts equal to 25 percent of its value.
49. **Sign, Nonconforming.** A sign erected or otherwise in use that met the requirements of the City at time it was erected or otherwise put in use but does not conform to the requirements of this Ordinance.
50. **Sign, Off-Premises (Off-Site Sign).** A sign that directs attention to a business, commodity, or service offered at a location other than the premises on which the sign is erected. Any sign that is not an on-premises sign as defined herein shall be considered an off-premises sign.
51. **Sign, On-Premises (On-Site Sign).** A sign that directs attention to a business, commodity or service located or offered on the premises on which the sign is erected. For the purpose of this Ordinance, common access easements, common reserved areas or common open space shall be considered as part of the premises on which the sign is erected.
52. **Sign, Pole.** A detached sign erected and maintained on a single mast or pole, or on two masts or poles, and not attached to any building but not including ground signs.
53. **Sign, Political.** A sign attracting attention to political candidates or issues.
54. **Sign, Portable.** Any sign, banner, or poster that is not permanently attached to the ground or other structure.
55. **Sign, Prohibited.** Any sign, other than nonconforming sign, which does not comply with this Ordinance or is specifically restricted herein.
56. **Sign, Projecting.** Any sign attached to a building wall at a right angle extending laterally more than eighteen (18) inches from the face of such wall.
57. **Sign, Real Estate.** A sign advertising real property for sale or for lease.
58. **Sign, Real Estate Window.** A sign located inside a window offered for sale, rent, or lease for the purpose of announcing such.
59. **Sign, Residential.** Any sign located in a district zoned for residential uses that contains no commercial message.
60. **Sign, Reverse Channel Letter.** A sign composed of channel letters which have face and sides, but no back and are pegged out from a background surface (wall). When the light source inside the letter is lit, it produces a halo-effect around the letter.

61. **Sign, Roof.** A sign erected wholly or partially above the roofline.
62. **Sign, Rotating.** Any sign or portion of a sign that moves in a revolving or similar manner.
63. **Sign, Seasonal or Special Occasion.** A sign that is not permanently attached and is limited to a specific activity or in the celebration of holidays or other special events for a specified period of time.
64. **Sign, Shopping Center.** A ground mounted sign that may contain the name of the shopping center and/or individual tenants.
65. **Sign, Sidewalk.** A sign (also commonly referred to as a sandwich board or A-Frame) dedicated for the display of a message on a sidewalk in front of a business.
66. **Sign, Snipe.** Any sign that is affixed by any means to trees, utility poles, fences, or other objects, where the message appearing thereon is not applicable to the present use of the premises upon which the sign is located.
67. **Sign, Subdivision.** A sign that gives the name of a residential or non-residential subdivision or multifamily development.
68. **Sign, Suspended.** A sign that is suspended from and supported by the underside of a horizontal plane surface.
69. **Sign, Tag.** Secondary signs that are descriptive of goods and services available on the premises such as “Deli/Bakery” and “Open 24 Hours”.
70. **Sign, Temporary.** Any sign that used only temporarily and sign is not permanent mounted, and that is allowed only for a designated time period.
71. **Sign, Traffic.** A sign indicating federal, state, or municipal regulations for vehicular or pedestrian movement.
72. **Sign, Two-Sided (Two Sign Faces).** Any sign constructed on a single set of supports with messages visible on either side, or a “V” type sign with a common support in the center of the “V”.
73. **Sign, Wall.** Any sign painted on or attached to and extending not more than 12 inches from an exterior wall in a parallel manner. A wall sign may include murals conveying the name of a business or a commercial message.
74. **Sign, Window.** Any sign that is applied to the inside or outside of glassed areas of a building or within one (1) foot of the window.
75. **Sign Plan.** A plan prepared to scale conforming to submittal requirements contained in this Ordinance that depict construction details for all types of signage proposed for installation on a parcel.
76. **Sign Structure.** Any structure that supports or has supported or is capable of

supporting a sign, including decorative cover.

77. **Site Triangle (or Horizontal Sight Distance).** The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.
78. **Wall, Exterior.** A vertical, structural component of a building which encloses habitable or usable space; a parapet extending not more than twelve (12) inches above a flat roof shall be considered part of the exterior wall for purposes of determining signage.
79. **Windblown Device.** Any banner, spinner, streamer, propeller, disc, moored blimp, gas balloon or flag (which is not of local, state, federal, corporate, nonprofit or religious origin) that is designed to inform or attract attention, whether or not such device carries a message, all or part of which is set in motion by wind, mechanical, electrical or any other means.

5.10. DESIGN CONSTRUCTION STANDARDS

- A. **Construction Standards.** All signs shall be designed, constructed, and maintained in accordance with the following standards:
1. Except for permitted banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be attached to the ground, a building or another structure by direct attachment to the wall, frame or structure.
 2. All ground-mounted signage shall include landscaping around the entire base of the sign structure. Landscaping shall consist of multiple rows of evergreen and deciduous plant materials and seasonal colors that add visual interest to the sign. All landscaping shall be irrigated. All plant materials shall be properly maintained including the immediate removal and replacement of any dead or diseased plant materials.
- B. **Maintenance Standards.** All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Ordinance. Specifically:
1. Signs shall not create a Traffic Hazard.
 2. Clear Sight Triangle.
 3. **Other Hazards.** No signs shall be erected, and there shall be no lighting of signs or premises, in such a manner or in such location as to obstruct the view of, or be

confused with, any authorized traffic signal, notice or control device.

4. **Removal.** Any such signs or light sources shall be removed at the direction of the City. If not removed by owners or occupants of the property within ten (10) days of notice, the City shall cause the signs to be otherwise removed, and the cost of removal including all incidental administrative costs shall become a lien against the property until satisfied.
5. **Colors.** Signs that are internally illuminated shall not use more than three (3) colors, plus a background color, unless specified in an approved Sign Plan. The background color shall be non-illuminated. Signs externally illuminated may upon approval of the Design Review Commission have up to five (5) colors excluding the background color. For panel signs, the background color shall mean the panel itself. For channel letters, the background color shall mean the returns. If the portion of the building wall behind a wall sign is painted a different color than the remainder of the wall, then such portion of the wall shall be counted as a background color. Trim colors shall be counted as background colors.
6. **Display of Logos and Trademarks, General.** Logos and trademarks may be included on signs (except identification, residential and incidental signs) without separate restriction, provided that such logos and trademarks are consistent with the approved color scheme shown on the approved Sign Plan.
7. **Display of Registered Trademarks.** A federally registered trademark which is registered in colors inconsistent with the applicable Sign Plan be displayed in whole or part on a sign in its registered form and color(s), provided that it may only occupy up to twenty-five percent (25%) of the permitted area of the sign as permitted by the Design Review Commission, without regard to the color limitations otherwise applicable to the sign; placement on the sign shall be in accordance with any applicable provisions of the approved Sign Plan and as may be required by the Design Review Commission.
8. **Lighting.** Sign illumination shall only be achieved through the following standards:
 - (1) If the wall sign is internally illuminated or back lit by any means, the entire light area shall be included within the allowable signage calculation for the site.
 - (2) No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices that have a changing light intensity, brightness, or color.
 - (3) Exposed bulbs shall not be used on the exterior surface of any sign.
 - (4) Exposed neon shall not be allowed including use as an architectural detail

element.

- (5) All wall signs shall be either individual translucent letters and an individual logo or reverse channel letters and individual logo with a backlit light source.
 - i. All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs including wall signs shall be concealed from public view.

C. Administration

1. **Scope of Authority of Design Review Commission.** The Design Review Commission shall not have the authority to alter or amend this Ordinance nor to approve a sign not in conformity herewith and is directed to cooperate with the Code Enforcement Official in the enforcement of same, including but not limited to, the following functions:
 - (1) The Design Review Commission, upon approving a sign, shall forward the application to the Code Enforcement Official with approval noted thereon.
 - (2) The Design Review Commission shall identify signs that it believes to be illegal, variance, and/or non-conforming signs to the Code Enforcement Official for enforcement.
 - (3) The Design Review Commission may take other action within its authority to ensure safety, eliminate hazards, and eliminate encroachment upon public streets and property and encroachment upon adjoining land or users.
 - (4) The Design Review Commission, while it may not approve signs in violation of this Ordinance, has the specific and general authority to refuse approval of signs, otherwise in compliance with these Regulations, which because of unsafe location, unsafe construction, aesthetic deficiency, insufficient structure and/or encroachment upon surrounding property, violate the spirit of these Regulations, which is dedicated to the safety and public welfare of all citizens and businesses in the City of Lakeland.
 - (5) The Design Review Commission shall not review:
 - i. Applications and related documents for Temporary Signs; or,
 - ii. Individual signs that are a part of a previously approved site plan; or
 - iii. Wall signs that are in compliance with all aspects of the sign ordinance.
2. **Authorization to Enforce Sign Ordinance.** The Code Enforcement Official is hereby authorized and directed to enforce all of the provisions of this Ordinance. Upon presentation of proper credentials, the Code Enforcement Official, or his duly authorized representative, shall be permitted by the owner or occupant to enter at

reasonable times, any building, structure, or premises in the City of Lakeland to perform any duty imposed upon him by this Ordinance.

5.11. PERMIT AND FEE

A. Permits Required for Signs.

1. All permanent and temporary signs allowed under this Section, including existing signs, shall require a permit unless provided otherwise in this Section.
2. No sign shall be placed, constructed, erected, altered, or relocated on a site without a permit, except as otherwise provided herein. Required electrical permits shall be obtained at the same time the Sign Permit is obtained by the applicant.
3. With the exception of signs that comply with a sign plan contained within an approved Planned Unit Development (provided such plan was approved prior to October 13, 2016, no sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with:
 - (1) Any Sign Plan approved and in effect for the property; and,
 - (2) The conditions of this Ordinance.
4. No permit shall be issued for a permanent sign requiring a sign permit until the application has received the review and approval of the Design Review Commission as provided for in this Ordinance.
5. Any sign standard not included in a sign plan will be controlled by the sign ordinance.
6. **Permits for Temporary Signs.** Temporary signs on private property shall be allowed only in accordance with the provisions of *Section III.5.2(J) Temporary Signs* and only upon issuance of a Temporary Sign Permit, which shall be subject to the following terms:
 - (1) A Temporary Sign Permit shall allow the use of a temporary sign for a specified period.
 - (2) Temporary signs shall not require the review and approval by the Design Review Commission prior to issuance of a Temporary Sign Permit.

B. Application Requirements.

1. An application for a sign permit may be filed only by the owner of the property on which the sign is to be erected, or by an agent, lessee, or contract purchaser specifically authorized by the owner to file such application. Where an agent, lessee, or contract purchaser files the application, the agent, lessee, or contract purchaser shall provide the City with written documentation that the owner of the

property has authorized the filing of the application.

2. An application for a sign permit shall be filed with the City of Lakeland on a form prescribed by the City, along with the fee for such application as contained in Appendix "A" of the City Code of Lakeland, Tennessee.
 3. Each application for a sign permit shall contain information required on the application form, and such other information regarding the proposed sign as the City and/or Design Review Commission may deem necessary in order to determine whether the proposed sign(s) complies with the applicable requirements of this Ordinance and other applicable ordinances of the City.
 4. The City shall determine whether the application is complete. If the City determines that the application is not complete, then it shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies.
- C. **Fees.** The permit fee for each sign allowed under the requirements of this Ordinance shall be as prescribed in Appendix "A" of the City Code of Lakeland, Tennessee.
- D. **Plan Submittal Required.** All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the Sign Plan approved by the City of Lakeland.
- E. **Sign Plan Elements.** The Sign Plan shall consist of five distinct design elements that shall govern all signs within the development: location, materials, size, color, and illumination. The Sign Plan shall include details, specifications, dimensions, and plans showing the proposed locations of sign and how such locations conform to the requirements of this Ordinance. Material samples proposed for use on sign shall be included with submittal of plan documents. A full color rendered site plan and elevation drawing shall be included with the submittal of plan documents. The Sign Plan shall also show the computations of the maximum total sign area permitted for the site.
- F. **Plan Review Procedure.** A Sign Plan shall be submitted for review and approval by the Design Review Commission. Prior to consideration of a Sign Plan by the Design Review Commission, the applicant shall meet with City staff to review the sign elements relative to applicable provisions of this Ordinance. City staff shall provide a written report to the Design Review Commission outlining their findings for consideration by the Commission during the review of the Sign Plan. The Design Review Commission shall review the Sign Plan in accordance with *Section III.5.10(C)(2) Scope and Authority of Design Review Commission*.
- G. **Plan Review Criteria.** A Sign Plan for a residential or non-residential subdivision,

planned unit development, non-residential structure (single occupant, multi-building or multi-occupant), and other projects proposing the installation of signage requiring review and approval by the Design Review Commission and issuance of a Sign Permit, shall not be approved until and unless the City finds that:

1. The Sign Plan provides that signs of a similar type and function within the development will have a consistent color scheme, architectural style, and material construction; and,
2. The Sign Plan provides for signs are context sensitive and fit the massing, scale, design theme, architectural style of the buildings and are generally consistent with the provisions contained in the remainder of this ordinance. The DRC may approve sign plan elements that vary from the general requirements of the Sign Ordinance if the applicant can demonstrate how the varied standards are contextually appropriate and would enhance the overall project. Any sign standard not provided in the sign plan shall be controlled by the sign ordinance.

H. **Amendment to Approved Sign Plan.** An approved Sign Plan may be amended by filing a new Sign Plan with City:

1. The application may be filed only by the owner of the land affected by the proposed change; or an agent, lessee or contract purchaser specifically authorized by the owner to file such application. Before filing the application, all landowners affected by the proposed change must give written authorization.
2. Any new or amended Sign Plan (including those for Planned Unit Developments) shall include a schedule for bringing into conformance within 90 days all signs not conforming to the proposed plan. This shall apply to all properties governed by the Sign Plan.

I. **Effect of Approval of Sign Plan.** After approval of a Sign Plan, or an amended Sign Plan, no sign shall be erected, placed, painted, or maintained, except in accordance with such plan, and such plan may be enforced in the same way as any provision of this Ordinance.

J. **Lapse of Sign Permit.** A sign permit shall lapse automatically if the business license for the premises lapses or is revoked or not renewed. A sign permit shall also lapse if the business is discontinued for a period of 90 days or more.

K. **Removal of Signs upon Discontinuance of Use.** Whenever the use of a building or premises by a specific business or other establishment is discontinued by the owner or occupant for a period of 90 days, the sign permits for all signs pertaining to that business or establishment that were installed by the occupant or owner shall be

deemed to have lapsed, and the signs shall be removed at the expense of the occupant and/or owner, as well as all signs and related structural members which do not conform to the standards of this Ordinance. The Sign Plan approved by the City, if applicable, shall remain in effect provided it does not conflict with the requirements of this Ordinance.

5.12. INSPECTION, REMOVAL AND SAFETY

- A. **Repair and/or Replacement of Signs.** It shall be the obligation of the Code Enforcement Official to maintain routine inspections upon all signs in the City of Lakeland, independently and/or upon the referral of the Design Review Commission. The Code Enforcement Official will perform routine inspections to ensure all signs are reasonably maintained, promptly repaired, remain in compliance with this Ordinance and still exhort the business of the occupant. In the event that the Code Enforcement Official determines that a sign is deficient as above recited, he shall cause to be delivered a formal written notice to the owner and/or occupant directing the correction of the deficiency within ten (10) days. Upon failure to properly correct the deficiency of said notice within the time allotted, the sign shall be rendered an illegal sign subject to the enforcement provisions as hereinbefore provided.
- B. **Annual Inspection Required.**
1. The City of Lakeland shall inspect once annually on or about the anniversary date of this Ordinance signs properly permitted by this Ordinance; provided, however, single family subdivision entrance signs are exempt from the annual inspection requirement.
 2. All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition.
- C. **Removal of Illegal Signs Required.** All illegal signs shall be removed within sixty (60) days from the effective date of this Ordinance.
- D. **Notice to Remove Illegal Sign.** In addition to the other rights and privileges created hereby, the Code Enforcement Official, upon determining that a sign, sign structure, or appurtenance thereto, is in violation of the Ordinance, may in addition to other penalties, deliver notice to the owner and/or occupant to remove the illegal sign within ten (10) days. The Code Enforcement Official may also cause to be issued summons by the Clerk of any court having jurisdiction over said violation, citing the violator to appeal and answer the charge of violation before said court, which finding may be appealed as any other conviction of an Ordinance violation to the Circuit Court.

E. Removal of Sign.

1. Temporary signs erected or maintained in violation of this chapter shall be removed by the Code Enforcement Official or his designee without notice.
2. The Code Enforcement Official or his designee shall remove any sign immediately and without notice if the sign presents an immediate threat to the safety of the public.
3. Any sign removal shall be at the expense of the property owner.

F. Removal of Abandoned Signs. All signs that no longer correctly direct or exhort any person, advertise a bona fide business in progress, lessor, owner, project, or activity conducted or product available shall be removed within thirty (30) days from the cessation of said activity.**G. Removal of Unsafe Structures.** Upon notice by the Code Enforcement Official to the owner or occupant of property upon which an illegal sign, an unsafe sign, unsafe sign structure or unsafe appurtenance thereto, is located, the said owner or occupant, within twenty-four (24) hours, shall remove same, or in the alternative, with the leave of the City Manager, the Code Enforcement Official or his designee may remove same or provide for its immediate removal - the cost of said removal to be borne by the owner and/or occupant.**H. Provisions of Federal and State Law Expected.** No provision of this Ordinance shall contravene by term or application any existing or later enacted statute or regulation of the Federal or State governments, and in the event of said conflict, the provisions of the State and/or Federal regulations shall control, and signs permitted by said statute may be erected in size, dimensions, set-back and design at the minimum requirements of said State and/or Federal law or regulation, and subject to the review and approval of the Design and Review Commission and upon reference to the City Attorney upon his certification of the law to the Design and Review Commission.



III.6

6. SITE LIGHTING

6.1. INTENT, PURPOSE, AND APPLICABILITY

A. **Intent and Purpose.** It is the intent of this Section to encourage lighting practices and systems that will minimize light pollution, glare, light trespass; conserve energy and resources while maintaining night-time safety, utility, security and productivity; and curtail the degradation of the nighttime visual environment. The purpose of this Section is to establish regulations to allow for outdoor illumination levels that are appropriate for the visual task, safety and security while minimizing the undesirable side effects of excessive illumination such as glare, sky glow and light pollution. Over time, it is the intent that this Section will allow for reasonably uniform illumination levels in the community. It is also the purpose of this Section to establish design criteria for outdoor lighting fixtures that will enhance the visual and aesthetic character of the City of

6. Site Lighting	484
6.1. Intent, Purpose, and Applicability	484
6.2. Definitions	485
6.3. Site Lighting Design Standards	488
6.4. Prohibited Lighting	495
6.5. Exemptions	496
6.6. Mixed Use Developments	496

Lakeland.

B. Applicability

1. **New Uses.** All proposed new land uses, developments, buildings, structures, or building additions of twenty-five percent (25%) or more in terms of additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, either with a single addition or cumulative additions after the effective date of this provision, shall meet the requirements of this Chapter for the entire property. This includes additions which increase the total number of required parking spaces by twenty-five percent (25%) or more. For all building additions of less than twenty-five percent (25%) cumulative, the applicant shall only have to meet the requirements of this Chapter for any new outdoor lighting provided.
 2. **Change in Use/Intensity.** Whenever the use of any existing building, structure, premises is changed to a new use, or the intensity of use is increased through the incorporation of additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, and which change in use or intensification of use creates a need for increase in the total number of required parking spaces of twenty-five percent (25%) or more, either with a single change or cumulative changes subsequent to the effective date of these provisions, then all outdoor lighting facilities shall meet the requirements of this Chapter for the entire property. For changes of use or intensity which require an increase in parking of less than twenty-five percent (25%) cumulative, the applicant shall only have to meet the requirements of this Chapter for any new outdoor lighting provided.
- C. **Approval Required.** All lighting plans, except for a single family home on a lot, requires site plan approval as described in *Section 1.4.6 Site Plan Review*.

6.2. DEFINITIONS

The following words and terms related to outdoor lighting are defined as follows:

- A. **Direct Illumination.** Illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.
- B. **Foot Candle.** A unit of measure for luminance. A unit of luminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.
- C. **Full Cut-Off Type Fixture.** A luminaire or light fixture that by design of the housing

does not allow any light dispersion or direct glare to shine above 90 degrees, horizontal plane from the base of the fixture.

- D. **Fully-shielded Light Fixture.** A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
- E. **Glare.** The sensation produced by lighting that causes an annoyance, loss in visual performance and visibility to the eye. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.
- F. **Horizontal Luminance.** The measure of brightness from a light source, usually measured in foot candles or lumens, which is taken through a light meter's sensor at a horizontal position.
- G. **Illuminance.** The quantity of light measured in foot candles or lux.
- H. **Light Trespass.** Light from an artificial light source that is intruding beyond the boundaries of the property upon which the lighting is intended to serve.
- I. **Lumen.** Unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.
- J. **Luminaire.** A complete lighting unit, including a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
- K. **Luminance.** The physical and measurable quantity corresponding to the type of surface (e.g., a lamp, luminaries, reflecting material) in a specific area, with a luminance meter.
- L. **Motion-sensing Security Lighting.** Any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.
- M. **Lux.** A unit of light intensity stated in lumens per square meter. There are approximately 10.7 lux per foot candle.
- N. **Opaque.** A material that does not permit light transmittal from an internal illumination source.
- O. **Outdoor Lighting Fixture.** An outdoor illuminating device, outdoor lighting, or reflective surface, lamp, or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not

limited to lights used for:

1. Buildings and Structures;
2. Recreational Areas;
3. Parking Lot Lighting;
4. Landscape Lighting;
5. Architectural Lighting;
6. Signs;
7. Street Lighting;
8. Product Display Area Lighting;
9. Building Overhangs and Open Canopies; and
10. Security Lighting

- P. **Outdoor Recreation Facility.** An area designed for active recreation, whether publicly or privately owned, including, but not limited to, parks, baseball fields, softball fields, soccer fields, football fields, golf courses and driving ranges, tennis courts, and swimming pools.
- Q. **Semi Cut-off Light Fixture.** A luminaire that allows no more than 6 percent of the light from the lamp to be emitted above a horizontal plane passing through the luminaire's lowest light-emitting part.
- R. **Security Light.** Lighting designed to illuminate a property or grounds for visual security. This includes fully shielded lighting fixtures.
- S. **Unshielded Light Fixture.** Any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or reflector.
- T. **Uplighting.** Any light source that distributes illumination above 90-degree horizontal plane.
- U. **Uniformity Ratio.** Describes the average level of illumination in relation to the lowest level of illumination for a given area. For example, a Uniformity Ratio of 4:1 for a given area means the lowest level of illumination (1) should be no less than 25% or "4 times less" than the average (4) level of illumination.
- V. **Watt.** The unit used to measure the electrical power used in the illumination of a light fixture.

6.3. SITE LIGHTING DESIGN STANDARDS

6.3.1. GENERAL REQUIREMENTS

- A. Site lighting shall minimize light spill into the dark night sky.
- B. Metal Halide fixtures shall be permitted. The use of metal halide light fixtures shall be encouraged, when not required, for outdoor illumination whenever its use would not be detrimental to the use of the property.
- C. Wherever practicable, it is encouraged that lighting installations include timers, dimmers, and/ or sensors to reduce overall energy consumption and unnecessary lighting. Uses that can turn off their outdoor lighting during night hours are to be encouraged in residential districts with those requiring all night illumination to be discouraged where appropriate.
- D. Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.
- E. All light fixtures including streetlights, shall be located, aimed or shielded to minimize stray light trespassing across property boundaries.
- F. Outdoor light fixtures installed on single family attached and detached properties shall be positioned so that there are no significant direct light emissions onto adjacent residential properties or public rights- of-way.
- G. Illumination for outdoor recreation facilities must conform to the shielding requirements of this Chapter, except when such shielding is determined to interfere with the intended activity. For such facilities, partially- shielded luminaires are permitted. Examples of activities where partially shielded luminaires are permitted including, but are not limited to, baseball, softball, football, soccer and lacrosse. Specifically, tennis, volleyball, racquetball and handball courts and swimming pools must utilize fully-shielded luminaires.
- H. Internal and external illumination of signs shall conform to the requirements of the Sign Ordinance.
- I. Except as otherwise allowed for herein, exterior light fixtures on multi-family, office, commercial and industrial projects including planned developments which use the equivalent lumens per bulb of 100 watt or more incandescent bulbs shall conform with the Illuminating Engineer Society of North America (IESNA) criteria for full cutoff fixtures; that is, no significant amount of the fixture's total output may be emitted above a vertical cutoff angle of 90 degrees. Any structural part of the fixture providing this cutoff angle must be permanently affixed.

- J. Lighting should meet the minimum IESNA standards in providing illumination and shall not exceed 200% of the recommended values without specific written approval by the Design Review Commission. Site lighting shall be designed as part of the architecture and landscaping themes of the site. Lighting should provide for appropriate and desirable nighttime illumination for all uses on and related to the site to promote a safe environment for inhabitants.
- K. Reference IESNA Recommended Practices RP-6 (Sports), RP-8 (Roadway), RP-20 (Parking Facilities) and RP-33 (Exterior Environment) for additional site lighting guidelines.
- L. Fixtures and lighting systems used for safety and security shall be in good working order and shall be maintained in a manner that serves the original design intent of the system.
- M. Glare and light trespass control shall be required to protect inhabitants from the consequences of stray light shining in inhabitant's eyes or onto neighboring properties. Light pollution control shall be required to minimize the negative effect of misdirected upward lighting.
- N. Where feasible, additional landscaping may be required by the Design Review Commission to provide light screening between non-residential uses and residential districts to help prevent light spillage. Where landscaping is used for light screening, the Design Review Commission shall take into consideration the applicable landscaping standards found elsewhere in these regulations, the design standards found elsewhere in these regulations, the creation of excessive shadows or dark spaces, and views into and out of a site.
- O. Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces.
- P. To minimize the indiscriminate use of illumination, it is recommended that outdoor lighting and flags, except as required for security, be extinguished during non-operating hours.
- Q. Upward lighting of building façades, monument signs up to six (6) feet tall, and outdoor artwork is permissible so long as the lighting is aimed directly at the object to be illuminated, not aimed into the sky, and light spillage is avoided. Signs mounted at a height greater than six (6) feet from the ground shall not use upward lighting.

6.3.2. TOTAL OUTDOOR LIGHT OUTPUT.

The maximum total amount of light, measured in lumens, shall be calculated from all outdoor light fixtures. For lamp types that vary in their output as they age (such as metal halide), the initial output, as defined by the manufacturer, is the value to be considered. For determining compliance with this Chapter, the light emitted from outdoor light fixtures is to be included in the total output as follows:

- A. Outdoor light fixtures installed on poles (such as parking lot luminaires) and light fixtures installed on the sides of buildings or other structures, when not shielded from above the structure itself as defined in the subsections below, are to be included in the total outdoor light output by simply adding the lumen outputs of the lamps used;
- B. Outdoor light fixtures installed under canopies, building overhangs, or roof eaves where the center of the lamp or luminaire is located at least five (5) feet but less than ten (10) feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output;
- C. Outdoor light fixtures located under the canopy and ten (10) or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

6.3.3. HEIGHT

The mounting height of light fixtures shall be as follows:

- A. The mounting height of a light fixture shall be measured from the center of the lamp to the finished grade immediately below the light fixture.
- B. The height of wall-mounted light fixtures shall not exceed the height of the wall to which it is mounted and shall have the lamp source shielded from view to minimize glare.
- C. For multi-family, office, commercial, industrial, and mixed-use developments, exterior freestanding light fixtures shall be mounted using a full cut-off type light fixture as follows:
 - 1. Light fixtures located within a Residential District shall not exceed 14-feet in height measured from finished grade.
 - 2. Within 50-feet of a residential zoned parcel – 14-foot maximum height of fixture measured from finished grade.
 - 3. 51-150 feet from a residential zoned parcel – 20-foot maximum height of fixture

measured from finished grade.

4. 151 feet or more from a residential zoned parcel – 25-foot maximum measured from finished grade.
5. The use of a 25-foot-tall pole shall require pre- approval by the Design Review Commission prior to approval of overall site lighting plan.
- D. For residential developments with fewer than 20 dwelling units, exterior freestanding light fixtures shall be mounted no more than ten (10) feet high including base of post.
- E. Freestanding light fixtures installed along the right- of-way of Canada Road or Highway 70 shall be mounted no more than forty-five (45) feet high measured from finished grade of the centerline of the street.
- F. Freestanding light fixtures installed within public right-of-way other than Canada Road and Highway 70 shall be mounted no more than thirty-five (35) feet high measured from finished grade of the centerline of the street.

Figure III.6.1. Light Fixture Height in a Parking Lot



6.3.4. PARKING LOT LIGHTING.

- A. Parking lot lighting shall not exceed light levels necessary for safety and located vehicles at night. To achieve this and minimize light spillage onto adjacent properties, fixtures which cut off light at 90 degrees or less from the vertical shall be used.
- B. The lighting plan shall be designed so that the parking lot is lit from the outside perimeter inward, and/or incorporate design features with the intent of reducing off-

site light pollution.

- C. Illumination of parking areas shall be required for all parking areas with more than twenty (20) parking spaces.
- D. The illumination may be provided using light fixtures mounted upon poles.
- E. The illumination of parking areas shall not be provided by building mounted light fixtures. Any building mounted fixtures shall be for aesthetic and security purposes only and shall be full cut-off style fixtures mounted near entryways.
- F. Lighting shall be designed to provide for uniform lighting throughout the site with no dark patches or pockets.
- G. No fixtures that shine outward and create a glare from a street right-of-way or residential property shall be permitted.
- H. Lighting used to illuminate parking areas shall be arranged, located, or screened to direct light away from any adjoining or abutting residential district or any street right-of-way. Light poles and fixtures shall meet the following criteria:
 - 1. The style of light poles and fixtures should reflect the architectural character of the area and streetscape.
 - 2. Maintain parking lot poles/fixtures of the same style, height, color, and intensity of lighting throughout the development site. Varying styles of fixtures may be permitted if it is demonstrated that the styles contribute to an overall theme for the area.
 - 3. Light fixtures shall be nonadjustable, horizontally mounted fixtures, or fixtures with ninety (90) degree or less luminaire cutoff. Fixtures that project light or glare toward a street right-of-way or neighboring property shall not be permitted.

Table III.6.1 Minimum Foot-candles and Uniformity Ratio (Max to Min).

Uses	Footcandles	Uniformity Ratio
Low Activity	0.5	25:1
Medium Activity	1.0	20:1
High Activity	2.0	15:1

For purposes of interpreting *Table III.6.1 Minimum Foot-candles and Uniformity Ratio (Max to Min)* above, the following rules shall apply: high activity uses shall include athletic events, major cultural or civic events, major regional shopping centers and similar uses; medium activity uses include fast food restaurants, financial institutions, community shopping centers (fifteen acres or more in land

area), hospitals, residential complex parking and similar uses; low activity uses include local merchant parking (less than 15 acre sites), industrial and office park parking, educational parking and similar uses.

I. Illumination for parking areas shall be provided as follows:

1. Average Maintained Footcandles: The maximum average-maintained foot-candles for all parking lots shall be three (3), unless otherwise approved by the Design Review Commission. For purposes of this Ordinance, the average maintained foot-candles shall be calculated at eight-tenths (0.8) of initial footcandles.
2. Minimum Footcandles and Uniformity Ratio: The minimum amount of maintained illuminations for open parking shall be as provided in *Table III.6.1 Minimum Foot-candles and Uniformity Ratio (Max to Min)*.
3. The maximum maintained vertical footcandle at an adjacent residential district shall be one half (0.5) footcandle measured five (5) feet above finished grade.
4. The required illumination within a nonresidential development shall be measured at finished grade.

6.3.5. MINIMUM PERIMETER LIGHTING REQUIREMENTS.

- A. Lighting levels shall be based on initial lamp lumens and 1.0 maintenance factor.
- B. For lighting levels, adjacent to commercial property, the lighting shall not exceed one (1) foot-candle of illumination at the property line and shall not exceed one-half (1/2) foot-candle 10 feet over the property line.
- C. For lighting levels, adjacent to residential zoned property, the lighting shall not exceed one-half (1/2) foot-candle of illumination at the property line and shall not exceed one-quarter (1/4) foot-candle 10 feet over the property line.

6.3.6. CANOPY LIGHTING STANDARDS.

Lighting levels for canopies and aprons of commercial facilities shall be adequate only to facilitate the activities taking place in such location and shall not be used to attract attention to the business. It is recommended that the maximum level of illumination underneath the canopy not exceed 10 footcandles. The following standards shall be met:

- A. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
- B. All luminaires mounted on the under surface of a canopy shall be fully shielded and

utilize flat glass or flat plastic (acrylic or polycarbonate) covers.

- C. The total light output used for illumination service station canopies, defined as the sum of all under- canopy initial bare-lamp outputs in lumens, shall not exceed twenty (20) lumens per square foot of canopy in the C-2, General Commercial District, and shall not exceed fifteen (15) lumens per square foot in the C-1, Neighborhood Commercial District. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface of the canopy and auxiliary lighting, is to be included toward the total permitted light output.
- D. Lights shall not be mounted on the top or sides (fascia) of the canopy, and the sides (fascia) of the canopy shall not be illuminated in whole or part.
- E. Canopies shall be constructed of non-light-emitting material.

6.3.7. PARK AND COMMON SPACE LIGHTING REQUIREMENTS.

- A. Light fixtures in municipal parks, pocket parks, common open spaces, and athletic fields shall employ full cutoff fixtures or fixtures designed to direct light downward.
- B. Where it is established that there is a need for some up lighting, such as a baseball park, “sharp cutoff” fixtures, ones in which there is very good beam control of the light output, shall be used.
- C. Lighting is discouraged on undeveloped open space and passive recreation areas. Any lighting installed on open space lands shall be pedestrian-scale with preference for bollard-style lighting.
- D. Recreational Facility – No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00pm except to conclude any recreational or sporting event or other activity conducted at the facility in progress prior to 11:00pm.
- E. Lighting for all recreational facilities shall be reviewed on a case by-case basis. New sports lighting systems shall be furnished with glare control. Lighting fixtures shall be mounted and aimed so that the illumination falls within the primary playing field and immediate surroundings so that no direct light illumination is directed off site.

6.3.8. LIGHTING PLAN REQUIREMENTS.

A lighting plan, prepared to the same scale as the site plan, shall be submitted for approval as part of the site plan process as described in *Section 1.4 Process, Criteria, and Application* of the Land Development Regulations. The lighting plan shall contain the following information:

- A. A site plan drawn to scale showing all existing and proposed buildings, landscaping,

parking, and loading areas, driveways, and pedestrian ways, and proposed exterior lighting fixtures.

- B. Site plan depicting the location of all exterior light fixtures and a numerical grid of lighting levels (in footcandles) showing footcandle readings every 25 feet within the property or site that the fixtures will produce on the ground (photometric analysis), and at 10 feet beyond the property lines at a scale specified on the site plan. An iso-footcandle contour line style plan is also acceptable. A report shall accompany the photometric plan that indicates the minimum, maximum and average foot-candle lighting levels, max-to-min ratio, and shall also indicate the light level at the property line.
- C. Exterior light fixtures installed under canopies, building overhangs, or roof eaves where the center of the lamp or luminaire is located at least five (5) feet but less than ten (10) feet from the nearest edge of a canopy, building overhang, or roof eave are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output.
- D. Exterior light fixtures located under the canopy and ten (10) or more feet from the nearest edge of a canopy, building overhang, or roof eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.
- E. The calculation shall be measured at finished grade for light levels within the parking lot.
- F. Area of illumination.
- G. Indicate the means intended for on/off control of exterior lighting fixtures.
- H. Lamp type and wattage.
- I. Mounting height of all fixtures.
- J. A cut sheet of the proposed fixtures, including the candlepower calculation and an illustration depicting the design and finishes of all fixtures and designation as IESNA "cutoff" fixtures.
- K. Drawings of all relevant building elevations showing the location and aiming points of accent light fixtures.

6.4. PROHIBITED LIGHTING.

- A. Blinking and flashing lights.
- B. Mercury Vapor lighting fixtures.
- C. Exposed strip lighting and or rope lighting used to illuminate building facades or outline

buildings or architectural features unless otherwise authorized by the Design Review Commission.

- D. Neon tubing except as allowed as a means of illumination for signage in accordance with the Sign Ordinance of the City of Lakeland.
- E. Any light that may be confused with or construed as a traffic control device except as authorized by the Federal government, State of Tennessee, or City of Lakeland.
- F. Beacons and search lights, except as used for rescue operations by the City of Lakeland and Shelby County.
- G. Outdoor floodlighting by flood light projection above the horizontal plane is prohibited.

6.5. EXEMPTIONS.

If no dangerous glare is created on adjacent streets or properties, the following lighting is exempt from the regulations of this Section:

- A. Holiday-style lighting and or string lighting;
- B. Street lighting installed by MLGW upon authorization by the City of Lakeland for the benefit of public health, safety, and welfare.
- C. Search lights, laser light sources, or any similar high- intensity light shall not be permitted, except in emergencies by emergency response personnel.

6.6. MIXED USE DEVELOPMENTS.

To allow the desired mixing and integration of uses, streetscapes, and innovative design treatments for mixed use or traditional neighborhood design developments, these design guidelines may be waived, so long as the development is a Planned Development, and so long as the development complies with all prior approvals of the City of Lakeland. All waived portions of the guidelines identified in writing and approved by the Planning Commission, otherwise the applicable design guidelines of this chapter shall apply.

ARTICLE IV – ENGINEERING STANDARDS

1. STREET TYPE STANDARDS	499
1.1. GENERAL REQUIREMENTS	499
1.2. MAP OF STREET TYPES	501
1.3. GENERAL STREET TYPE STANDARDS	501
1.4. GENERAL STREET LAYOUT REQUIREMENTS.....	506
1.5. INTERSECTION DESIGN	507
1.6. PUBLIC RIGHT OF WAY STANDARDS	510
1.6.1. MINOR ARTERIAL STREET	512
1.6.2. MAJOR COLLECTOR STREET	514
1.6.3. MINOR COLLECTOR STREET.....	516
1.6.4. RURAL MINOR COLLECTOR STREET.....	518
1.6.5. LOCAL STREET.....	520
1.6.6. RURAL LOCAL STREET.....	522
1.6.7. ALLEY	524
1.6.8. SCENIC CORRIDOR.....	526
1.6.9. CONSERVATION STREET OVERLAY	527
1.6.10. CUL-DE-SACS.	529
2. UTILITY STANDARDS.....	531
2.1. GENERAL REQUIREMENTS	531
2.2. WATER SUPPLY SYSTEM	536
2.3. STORM SEWER SYSTEM	537
2.4. SANITARY SEWER SYSTEM	540
2.5. SEWAGE LIFT STATIONS AND SEWER FORCE MAINS.....	551
3. STORMWATER MANAGEMENT.....	558
3.1. GENERAL REQUIREMENTS	558
3.2. GENERAL DESIGN PRINCIPLES.....	560
3.3. DESIGN STANDARDS.	562
4. STREAMSIDE MANAGEMENT BUFFERS.....	566
4.1. GENERAL REQUIREMENTS	566
4.2. BOUNDARY DETERMINATION	570
4.3. STREAMSIDE MANAGEMENT BUFFER USE AND REGULATIONS	571
4.4. DESIGN STANDARDS FOR STREAMSIDE MANAGEMENT BUFFER.....	572
4.5. STREAMSIDE MANAGEMENT AND MAINTENANCE.....	574
4.6. PLAN REQUIREMENTS AND ADMINISTRATION.....	577
4.7. EXCEPTIONS AND VARIANCES.....	579
4.8. ENFORCEMENT	582

4.9. SEVERABILITY 582



IV.1

1. STREET TYPE STANDARDS

1.1. GENERAL REQUIREMENTS

A. **Intent.** The standards outlined in this Section are intended to accomplish the following.

1. Create a logical and comprehensible system of streets and street names that result in a simple, consistent and understandable pattern of Blocks, Lots, and house numbers.
2. Encourage safe and efficient traffic flow and provide adequate access to all Lots for vehicles and pedestrians.
3. Create streets that are appropriate for their contexts in Residential, Commercial, or Mixed-Use districts and are designed to encourage travel at appropriate volumes and speeds.
4. Encourage streets that respect natural features by following topography and

1. Street Type Standards.....	499
1.1. General Requirements.....	499
1.2. Map of Street Types.....	501
1.3. General Street Type Standards.....	501
1.4. General Street Layout Requirements	506
1.5. Intersection Design.....	507
1.6. Public Right of Way Standards.....	510

drainage systems, rather than interrupting or dead ending at the feature.

5. Create streets and public Rights-of-Way that result in stormwater runoff quantity reduction and improved quality of stormwater runoff.
- B. **Applicability.** These standards apply to all vehicular Right-of-Way, Right-of-Way Dedication, and Right-of-Way easements within the City.
- C. **Authority.** This Section, Street Type Standards, falls within Subdivision authority, per the State of Tennessee, and is regulated by the Municipal Planning Commission (MPC).
- D. **General Requirements.** All proposed streets and sidewalks shall be in dedicated vehicular Rights-of-Way as required by this Section.
 1. **Public Street.** All vehicular Rights-of-Way, except for Alleys, shall be dedicated for public use, unless otherwise stated below.
 2. **Private Street.** Private streets, except for private Alleys, are permitted when all the following conditions are met:
 - (1) The Subdivision is located adjacent to a City waterway with no bridge connection or the boundary of another municipality with no existing connecting street.
 - (2) None of the streets in the Subdivision are included in the Major Road Plan as part of the recommended Transportation Plan.
 - (3) Any access limitation, including gating of the street, shall be considered for approval, approval with conditions, disapproval, or other applicable action separately by the MPC and shall not interrupt the pedestrian, vehicular, and bicycle connectivity through the City or to any public open space.
 - (4) The private Rights-of-Way and street configuration shall be designed to the standards herein, including one of the Street Types.
 3. **Private Alley.** Private Alleys are permitted but shall be designed to meet the standards herein.
 4. **Right-of-Way Features.** Where the design requires improvements that cannot be installed within the existing Right-of- Way, the developer shall dedicate additional Right- of-Way as is necessary to accommodate all such improvements.
- E. **AASHTO standards.** When a requirement is defined as per AASHTO standards, refer to “A Policy on Geometric Design of Highways and Streets,” most current edition, prepared by the American Association of State Highway and Transportation Officials (AASHTO).
- F. **MUTCD standards.** Traffic Control Devices shall meet the requirements set forth in

the Manual on Uniform Traffic Control Devices (MUTCD).

- G. **Americans with Disabilities Act (ADA).** All designs shall conform to the most recent version of the ADA standards and any more stringent State of Tennessee regulation.
- H. **Street Names.** New street names shall follow the Memphis Light, Gas, and Water's (MLGW) Street Naming Guide for Memphis and Shelby County, Tennessee.
 - 1. **Existing Street Names.** All existing street names that do not follow MLGW standards may continue to be used, and those names may be used on extensions of the existing street.
 - 2. **Cul-de-sac Streets.** Cul-de-sac street names shall be a continuation of the street of which they are a part.
- I. **City Standards.** Streets, sidewalks, and pedestrian ways shall be constructed in accordance with the City of Lakeland Manual for Public Works Construction and Material Specifications.
- J. **Fire Access.** Street configurations have been calculated to provide fire truck access. Where the total width of all travel lanes is narrower than twenty-two (22) feet, the following shall apply.
 - 1. **Room to Pass.** At one hundred (100) foot increments, a twenty (20) foot opening in the on- street parking or a twenty (20) foot dedicated pull- off space shall be provided to allow vehicles to pull over for a fire truck to pass.
 - 2. **Driveway or Fire Hydrant Zone.** A driveway or fire hydrant zone may be utilized to fulfill the requirement.
 - 3. **County Fire Regulations.** Refer to the Shelby County Fire Prevention Code, as amended, for additional information when applicable.

1.2. MAP OF STREET TYPES

To better apply the provisions of these regulations and to provide context for any future Rights-of-Way and future improvements to existing Rights-of-Way, existing streets and streets designated as future on the Transportation Plan are mapped in accordance with the Street Types standards. Should the information included conflict with the Transportation Plan, the Transportation Plan shall prevail.

1.3. GENERAL STREET TYPE STANDARDS

- A. **Street Types.** The Street Types outline acceptable street configurations. New streets shall consist of, but are not limited to, standard travel lane, curb and gutter, shoulder, sidewalk, furnishing zones, and any required street plantings or water quality

measures. Refer to street type typical sections included in the figures below. The MPC may require additional Right-of-Way elements where deemed necessary.

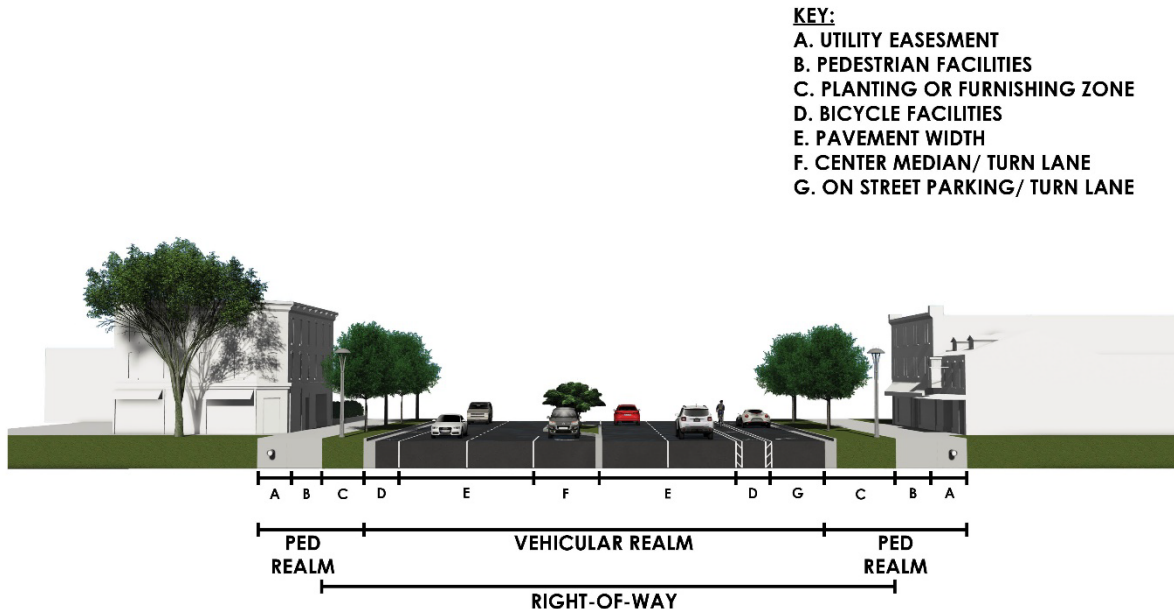
Table IV.1.1 Street Type Standards

Section	Classification	Typical Street Section	Right-of-Way Width (ft)*	Pavement Width (ft)
1.6.1	Minor Arterial	4 lane divided	108	44
1.6.2	Major Collector	4 lane divided	88	44
1.6.3	Minor Collector	2 lane undivided	66	36
1.6.4	Minor Collector (Rural)	2 lane undivided	66	28
1.6.5	Local Street	2 lane undivided	60	32
1.6.5	Local Street (Alt)	2 lane undivided	50	30
1.6.6	Local Street (Rural)	2 lane undivided	60	26
1.6.7	Alley	2 lane undivided	20	20
1.6.8	Scenic Corridor	2 lane undivided	68	22

* Right-of-way widths shown are a minimum. Additional right-of-way may be required for on-street parking, dedicated bicycle lanes, or turn lanes if required.

- B. **Cross Sections.** The cross sections provided here for each Street Type illustrate possible configurations of that Street Type. By applying the standards outlined, other configurations may be determined acceptable if approved by the City Engineer.
- C. **Rights-of-Way Elements.** Typical elements of a vehicular Right-of-Way are divided into the Vehicular and Pedestrian Realm. Each Street Type outlines which facilities are applicable. Refer to *Figure IV.1.1 Typical Right-of-Way Elements*.

Figure IV.1.1 Typical Right-of-Way Elements



1. **Vehicular Realm.** The vehicular realm is comprised of the travel lanes, bicycle lanes, and parking lanes.
2. **Pedestrian Realm.** The pedestrian realm is typically comprised of pedestrian facilities, such as sidewalk, path/trail, or off-street bicycle path, and a buffer area, consisting of a Planting Zone or Furnishings Zone that serves to buffer pedestrians or bicyclists from the movements of higher speed vehicles in the vehicular realm.
 - (1) **Planting Zone.** A Landscape Area from the back of curb or edge of pavement to the sidewalk in which street trees, Swales, lighting, and signage may be located. Sidewalks may cross the Planting Zone.
 - (2) **Furnishings Zone.** A hardscape area that extends the sidewalk to the back of curb, in which street trees in Tree Wells, street furniture, lighting, and signage may be located. Typically used adjacent to commercial or office buildings and requires approval of MPC.
3. **Bicycle Facilities.**
 - (1) Bicycle facilities shall be provided per the Public Right-of-Way Standards incorporated herein.
 - (2) Three (3) types of bicycle accommodations are permitted in the vehicular realm.
 - i. **Dedicated Bicycle Lane.** Dedicated bicycle lanes are striped lanes on the outside of the outermost travel lanes that are designated for only bicycle

use. This lane occurs on both sides of the street and shall be five (5) to six (6) feet wide.

- ii. **Designated Shared Lane.** A designated shared lane is a lane that is shared between vehicles and bicycles. This lane has a minimum width of fourteen (14) feet. An arrow and bicycle symbol are painted on the outer edge of the lane to denote shared use. This improvement occurs on both directions.
 - iii. **Shared Lane.** A shared lane refers to a street that does not have bicycle lanes or a designated shared lane, but the speed and configuration of the street is such that bicycles could comfortably share lanes with traffic.
4. **Vehicular On-Street Parking.** On-street parking, as permitted on designated Street Types, shall meet the following requirements.
- (1) Parallel and diagonal parking is permitted on designated Street Types.
 - (2) **Vehicular Parking Space Dimensions.** The appropriate dimensions for parking spaces are outlined in *Table IV.1.2 On-Street Parking Space Dimensions*. The width of a parking space shall be measured from the center of a stripe.

Table IV.1.2 On-Street Parking Space Dimensions

Angle (Degrees)	Curb Length (Feet)	Stall Width (Feet)	Stall Depth (Feet)	Travel Lane Width – One Way (Feet)	Travel Lane Width – Two Way (Feet)
0	20	7	-	12	20
45	12	8.5	17	12	20
60	10	8.5	18	18	20
90	9	8.5	22	22	24

5. **Planting Zone Requirements.** Refer to *Section III.3 Landscape Standards* for all installation and maintenance requirements for landscape.
- (1) **Ground Plane Vegetation.** Planting Zones shall be planted with turf per all the planting requirements of *Section III.3 Landscape Standards*.
 - (2) **Irrigation.** Temporary irrigation is required until complete establishment of the turf. Permanent irrigation may be provided.
 - (3) **Swales.** Where drainage swales are required for the Street Type, refer to *Section IV.2.3 Storm Sewer Systems*.

- i. **Landscape.** All Swales shall be landscaped with turf or other appropriate stabilization practices to prevent erosion.
 - ii. **Maintenance.** Swales shall be maintained as part of the Stormwater Management Plan for the site.
 - iii. **Crossings.** Sidewalks crossing Swales shall be handled in one of the following ways:
 - a. Bridge.
 - b. Culverts under the sidewalk.
6. **Street Trees.** Street trees are required along all new streets, planted within the Planting or Furnishing Zone.
- (1) Refer to *Section III.3 Landscape Standards* for tree size, type, installation, and maintenance requirements for street trees.
 - (2) **Tree Plan and Schedule.** During the Preliminary Plat Process, a tree plan and schedule shall be submitted, including the following information:
 - i. Refer to *Section III.3 Landscape Standards*, Street Tree and Landscape Schedule Requirements.
 - ii. Location of all street tree planting areas.
 - iii. Summary table with estimated number of street trees expected to be planted at completion.
 - iv. Summary of street trees expected to be planted by homebuilders if single family subdivision.
 - v. Summary of street trees expected to be planted by developer.
 - vi. General standards for the plantings including tree species mix and minimum, maximum, and average tree spacing.
 - (3) **Street Tree Size.** All street trees are required to be a minimum two (2) inches in Caliper when installed.
 - i. Adjacent to NC, C1, C2, and MF and light industrial and NO Districts, minimum clear branch height is six and a half (6 1/2) feet at time of planting.
 - (4) **Street Tree Type.** Medium and large overstory trees are permitted to be installed as street trees. Refer to the list of permitted tree types in *Table III.3.2 Permitted Trees*.
 - (5) **Street Tree Spacing.** Street trees shall be planted as follows.
 - i. Each Lot is required to have one (1) tree for every forty (40) feet of street frontage with a minimum of one (1) street tree per street frontage.
 - ii. **Spacing by Tree Size.**

- a. Large trees shall be spaced a minimum of thirty (30) and a maximum of fifty (50) feet on center.
- b. Medium trees shall be spaced a minimum of twenty (20) and a maximum of forty (40) feet on center.
- iii. **Tree Wells.** In RM1, RM2, M1, C1, C2, and O, where the sidewalk extends from the back of curb to the Property Line, Tree Wells shall be utilized.
 - a. For Tree Wells smaller than four (4) feet wide and six (6) feet in length, open pit is not permitted.
 - b. The opening shall be covered with a tree grate or Semi-Pervious Surface.
 - c. The opening in a tree grate for the trunk shall be expandable.
- D. **Conservation Overlay.** A Conservation Street approval by MPC. Overlay may be required or optionally utilized over another Street Type when there are considerable natural resources to be preserved. Refer to *Section IV.1.6.9 Conservation Street Overlay* for specific requirements of the Conservation Street Overlay.
- E. **Graphics.** The graphics provided here for each Street Type illustrate only one possible configuration of that Street Type. By applying the standards outlined, other configurations may be determined acceptable.

1.4. GENERAL STREET LAYOUT REQUIREMENTS

- A. **General Layout Standards.** The following standards apply to new streets or newly platted Vehicular Rights-of-Way.
 - 1. **Treatment of Natural Features.** Streets shall be designed to respect natural features by following rather than interrupting or dead- ending at the feature.
 - 2. **Curved Street Alignment.**
 - (1) **Hilly Character.** Street layout shall retain the character of any existing hilly terrain, to the extent practical.
 - (2) **Horizontal Alignment.** When street lines deflect from each other by more than ten (10) degrees in alignment, the Street Centerline shall be connected by a curve with a minimum radius meeting American Association of State Highway and Transportation Officials (AASHTO) standards.
 - (3) **Vertical Alignment.** Minimum sight distances shall be designed to AASHTO standards.
- B. **Interconnected Street Pattern.** The network of streets shall form an interconnected pattern with multiple intersections with the following features:

1. **Street Network.** The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new Subdivisions.
 2. **Public Access Points.** All Subdivisions with new street Right-of-Way shall have a minimum of two (2) public Access Points and meet the requirements of the International Fire Code, with the following exception.
 - (1) When less than three quarters (3/4) of the Parcel's perimeter is Open Boundary and the Applicant's Property is less than ten (10) acres, the MPC may accept one (1) Access Point.
- C. **Disconnected Streets.** Disconnected streets may take the following forms:
1. **Stub Streets.** Where adjoining areas are not subdivided, streets in new Subdivisions shall be extended to the boundary line of the Applicant's Property to make provision for the future projection of streets into adjacent areas.
 - (1) Where abutting property is not subdivided, stub streets shall be provided at intervals no greater than the maximum Block Size required in *Section II.1 Zoning Regulations*.
 - (2) Existing stub streets adjacent to a proposed Subdivision shall be connected.
 - (3) At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "STREET TO BE EXTENDED IN THE FUTURE BY THE CITY OF LAKE LAND" to inform property owners.
 2. **Half Streets.** The construction of a Half Street shall be prohibited unless otherwise approved by the MPC in unusual circumstances that make it essential and where satisfactory assurance for Dedication of the remaining part of the street is provided.
 - (1) Proposed Half Streets along the periphery of the Subdivision shall have no less than one-half of the Right-of-Way Dedicated and fully constructed.
 - (2) Existing Half Streets adjacent to a proposed Subdivision shall be completed with the Dedication of the remaining Right-of-Way and the complete construction of the street with the development of said proposed Subdivision and property development.

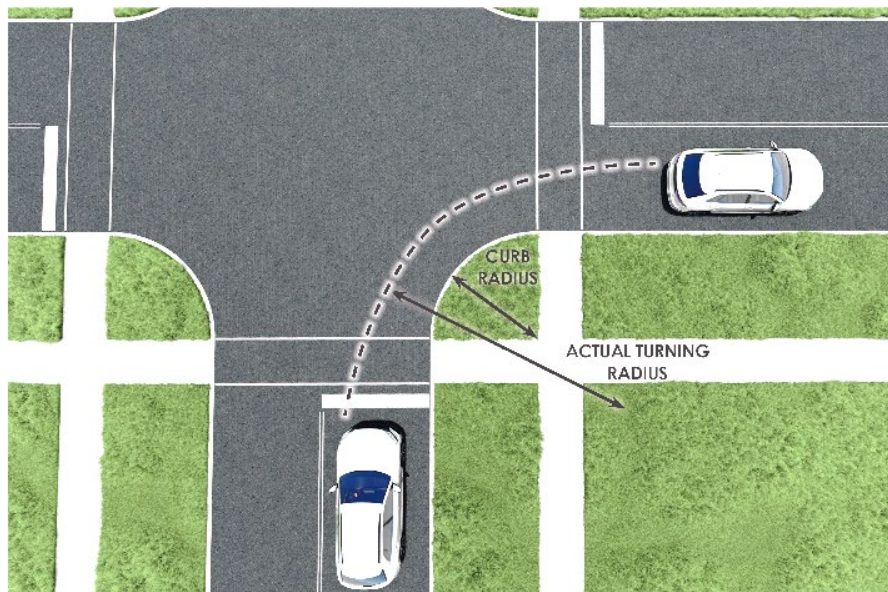
1.5. INTERSECTION DESIGN

- A. **Intent.** The following outlines the regulations for developing and reconstructing safe and accessible intersections for vehicles and pedestrians.
- B. **Applicability.** These standards apply to all planned intersections and shall also be applied to existing intersections when other improvements are made, such as

redesign or reconfiguration.

- C. **Alignment of Intersections.** New streets shall be aligned with existing streets when possible. The following guidelines shall be used for intersection alignment.
1. **Number of Streets.** No more than two (2) streets shall intersect at any point.
 2. **Angle of Intersection.** Streets should be aligned to intersect at right angle; the angle of intersection of street centerlines shall be not less than eighty (80) degrees nor more than one hundred (100) degrees.
 3. **Centerline Offsets.** With the exception of Local Streets, street centerline offsets shall be avoided. Otherwise, centerline offsets shall be greater than one hundred twenty-five (125) feet.
 4. **Sight Triangles.** Minimum clear sight distance at all intersections except a Local Street to a Local Street shall be defined by AASHTO.
 5. **Vertical Alignment.** Vertical alignment at all intersections shall be designed per U.S. Department of Transportation Federal Highway Administration Public Right-of-Way Accessibility Guidelines (PROWAG).
 6. Exceptions that are deemed necessary by MPC due to topography may result in an MPC waiver of any of these standards, if alternative standards that have been approved by the Code Administrator have been supplied.
- D. **Curb Radii.** The following curb radii shall be utilized. Refer to *Figure IV.1.2 Actual Right Turn Radius with On-Street Parking*.

Figure IV.1.2 Actual Right Turn Radius with On-Street Parking



1. Intersections shall be designed for the typical design vehicle/passenger vehicle as opposed to the maximum design vehicle.
 2. Small curb radii shall be used at intersections to shorten pedestrian crossing distances and reduce vehicle turning speeds, balancing the ease of travel of the vehicles and pedestrians.
 3. **Local and Minor Collector Streets.** At the intersection of any street with a Local or a Minor Collector Street, the following curb radii shall be utilized.
 - (1) With on-street parking on both streets, a ten (10) foot radius may be utilized.
 - (2) Without on-street parking, a twenty-five (25) foot radius is required except where otherwise permitted by the City Engineer.
 4. **Major Collector or Minor Arterial Streets.** At the intersection of any street with a Major Collector or Minor Arterial Street, the following curb radii shall be utilized.
 - (1) With on-street parking on both streets, a twelve (12) foot radius is required.
 - (2) Without on-street parking on either street, a thirty (30) foot radius is required.
 5. **Larger Radius.** When the design vehicle requires a larger curb radius, a thirty (30) foot radius may be utilized for Major Collector or Minor Arterial. Larger radii require approval of the Code Administrator through Construction Plan process and may only occur adjacent to, C2 districts, or O districts.
 6. **Alley Intersections.** The curb radius at intersections involving Alleys shall meet driveway curb radius requirements.
- E. **Crosswalks.** Crosswalks shall be required at all intersections involving Collector and Arterial Street Types. Crosswalks shall also be required at mid-block locations, or at spacing not longer than 350 feet for areas where heavy pedestrian traffic is anticipated or blocks longer than one thousand (1,000) feet.
1. **Dimensions.** Crosswalks shall be a minimum of six (6) feet and a maximum of ten (10) feet in width, measured from mid-stripe to mid-stripe for a transverse crosswalk.
 2. **Markings.** Crosswalks shall be appropriately indicated on the finished street surface with thermoplastic, stamped concrete or painted markings unless the City Engineer or Planning Commission approves alternative materials.
 3. **Crossing Distances.** To encourage pedestrian activity, typical crosswalks shall not extend over thirty-eight (38) feet without a landscape median, bulb-outs and/or other pedestrian refuge to mitigate the effects of vehicular traffic on crossing and increase pedestrian safety and comfort.
 4. Any requirements of the American Disabilities Act (ADA), PROWAG, and any other

more stringent state requirement shall be fulfilled.

- F. **Accessible Ramps and Warning Panels.** Accessible ramps and detectable warning surfaces, per the American Disabilities Act (ADA), PROWAG, and any more stringent state requirement, are required where all sidewalks or trails terminate at a crosswalk or curb.
 - 1. **Ramp Orientation.** Ramps shall be oriented perpendicular to traffic, requiring two ramps per corner at intersecting streets.

1.6. PUBLIC RIGHT OF WAY STANDARDS

- A. **Intent.** These standards shall ensure that all streets constructed within the City are done so with quality materials and with sound planning.
- B. **Applicability.** These standards apply to all planned vehicular Rights-of-Way and shall also be applied to existing intersections when other improvements are made, such as redesign, resurfacing, and reconfiguration.
- C. **General Requirements.** All streets, sidewalks, and pedestrian ways shall use materials and be installed in a manner meeting or exceeding the requirements, standards, and specifications contained in this Section, The City of Lakeland Manual for Public Works Construction and Materials Specifications, and others contained in any documents referred to herein.
- D. **Vehicular Realm.** The vehicular realm shall be constructed or redeveloped using the following standards. Refer to *Section IV.1.3(D) Rights-of-Way Elements*.
 - 1. **Grading.**
 - (1) All trees that cannot be saved, stumps, boulders, and similar items in the street Right- of-Way shall be removed.
 - (2) All streets shall be graded to their full width, including side slopes and the subgrade of the areas to paved, unless an exception is provided by the MPC.
 - 2. **Width and Strength.** Pavement width and structural strength shall be based on street classification, the expected traffic volume, and the Zoning District. Pavement width shall be measured to the front lip of the curb and gutter.
 - 3. **Materials and Methods.** Pavement materials and methods shall follow City of Lakeland Specifications.
- E. **Pedestrian Realm.** The pedestrian realm shall be constructed or redeveloped using the following standards. All pedestrian elements shall meet PROWAG standards.
 - 1. **Sidewalks.** All sidewalks and pedestrian ways shall use materials and be installed in a manner meeting or exceeding the requirements approved by the City

Engineer.

2. **Street Lighting.** Street Lighting shall be required along Collector and Arterial Streets and Scenic Corridors. Local streets shall be lit by private onsite lighting. Lighting shall comply with *Section III.6 Site Lighting*.
 - (1) The Applicant shall arrange with the local electric power company for electric service and shall bear the expense of any charge by the electric power company to furnish the service connection.
 - (2) The location of any service connection and the control equipment shall be shown on the construction drawings.
 - (3) Lighting shall be of the type that provides visibility for vehicular and pedestrian users. Lighting can be LED, solar power, battery operated, electrical conduit, etc. Final lighting selection shall be approved by the Planning Commission.
 - (4) Conduit shall be placed for all street lighting prior to pavement construction.
 - (5) Light poles and fixtures shall be coordinated with street tree location to ensure appropriate spacing.
 - (6) Light poles and conduits shall be installed prior to installation of trees and landscaping.
 - (7) Refer to Street Type tables for specific lighting requirements.
3. **Street Trees.** Install Street Trees within all street Right-of-Ways per *Section IV.1.3(D)(7) Street Trees*.

1.6.1. MINOR ARTERIAL STREET

- A. **Intent.** The Minor Arterial is a high-capacity street for higher speeds within a wider Right-of-Way. It serves all types of development and provides crosstown connections. It has curbs on the outside to provide protection for the pedestrians on sidewalks on both sides unless it is a rural condition approved by the City Engineer. Refer to typical section in *Figure IV.1.3 Typical Minor Arterial Street*.
- B. **General Requirements.** Refer to the standards in *Table IV.1.3 Minor Arterial Street Standards*.
- C. **Access Management.** Full motion access points onto a Minor Arterial Street require a minimum of 200 feet of property frontage between each access point. The City Engineer reserves the right to review each individual point of access to determine if the minimum distance should increase pending the proposed condition. Limited access points may be reviewed by the City Engineer on a case-by-case basis if the minimum distance for a full motion access point requirement cannot be met.
1. **Median cuts.** Refer to TDOT as standard unless Traffic Impact Study, prepared consistent with the requirements in *Appendix A Traffic Impact Study*, can prove no issues are created.

Figure IV.1.3 Typical Minor Arterial Street

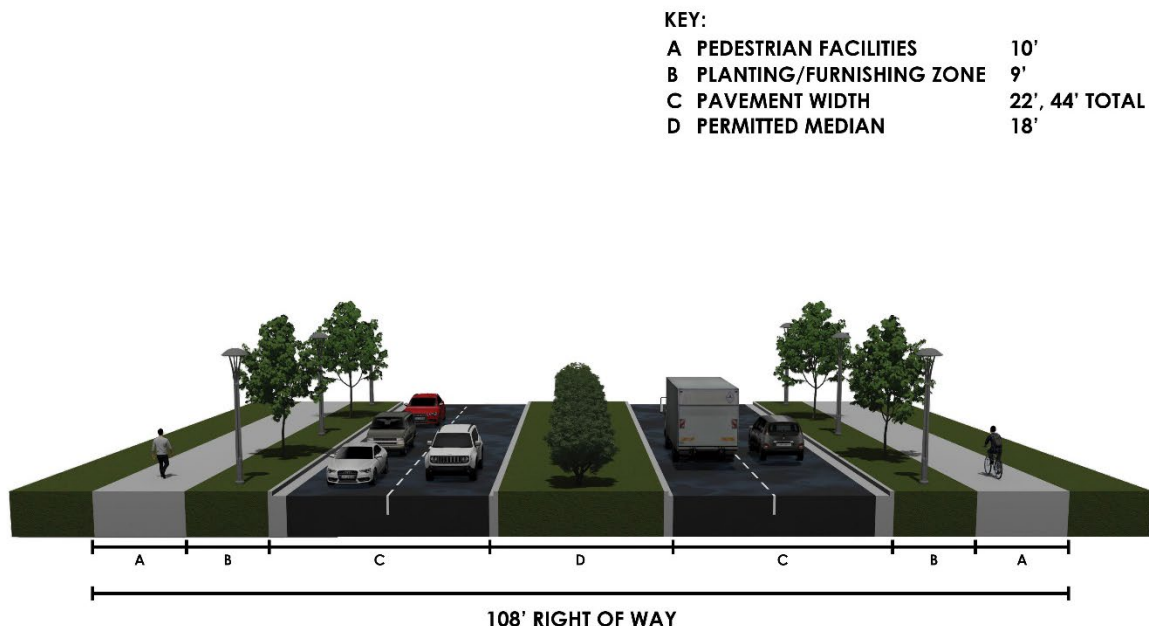


Table IV.1.3 Minor Arterial Street Standards

Minor Arterial Street Standards		
Vehicular Realm	Typical Right-of-Way Width	108'
	Travel Lanes	4 lanes
	Pavement Width	44'
	Parking Lanes¹	Not permitted
	Curbs/Shoulders	Concrete Vertical
	Permitted Median	Required, minimum 18' wide
	Bicycle Facilities²	Shared, Designated Shared, or Designated with 3' buffer
Pedestrian Realm	Pedestrian Facilities	Minimum 10' wide clear sidewalk on both sides
	Planting/Furnishing Zone	Minimum 9' wide Planting Zone ³ or Furnishing Zone ⁴
	Street Trees	Reference Section 1.3. <i>Street Tree Size and Street Tree Spacing</i>
	Median Trees	Reference Section 1.3. <i>Street Tree Size and Street Tree Spacing</i>
	Street Lighting	Full Cut Off; black decorative pole; subject to DRC approval
1. Reference <i>Section IV.1.3(D)(4) Vehicular On-Street Parking</i> . 2. Reference <i>Section IV.1.3(D)(3) Bicycle Facilities</i> . 3. Planting Zone is required adjacent to Residential Districts 4. Furnishings Zone is required adjacent to Commercial and Mixed-Use Districts		

1.6.2. MAJOR COLLECTOR STREET

- A. **Intent.** The Major Collector is a high-capacity street for higher speeds within a wider Right-of-Way. It serves all types of development and provides crosstown connections. It has curbs on the outside to provide protection for the pedestrians on sidewalks on both sides unless it is a rural condition approved by the City Engineer. Refer to typical section in *Figure IV.1.4 Typical Major Collector Street*.
- B. **General Requirements.** Refer to the standards in *Table IV.1.4 Major Collector Street Standards*.
- C. **Access Management.** Full motion access points onto a Major Collector Street require a minimum of 200 feet of property frontage between each access point. The City Engineer reserves the right to review each individual point of access to determine if the minimum distance should increase pending the proposed condition. Limited access points may be reviewed by the City Engineer on a case-by-case basis if the minimum distance for a full motion access point requirement cannot be met.
1. **Median cuts.** Refer to TDOT as standard unless Traffic Impact Study, prepared consistent with the requirements in *Appendix A Traffic Impact Study*, can prove no issues are created.

Figure IV.1.4 Typical Major Collector Street

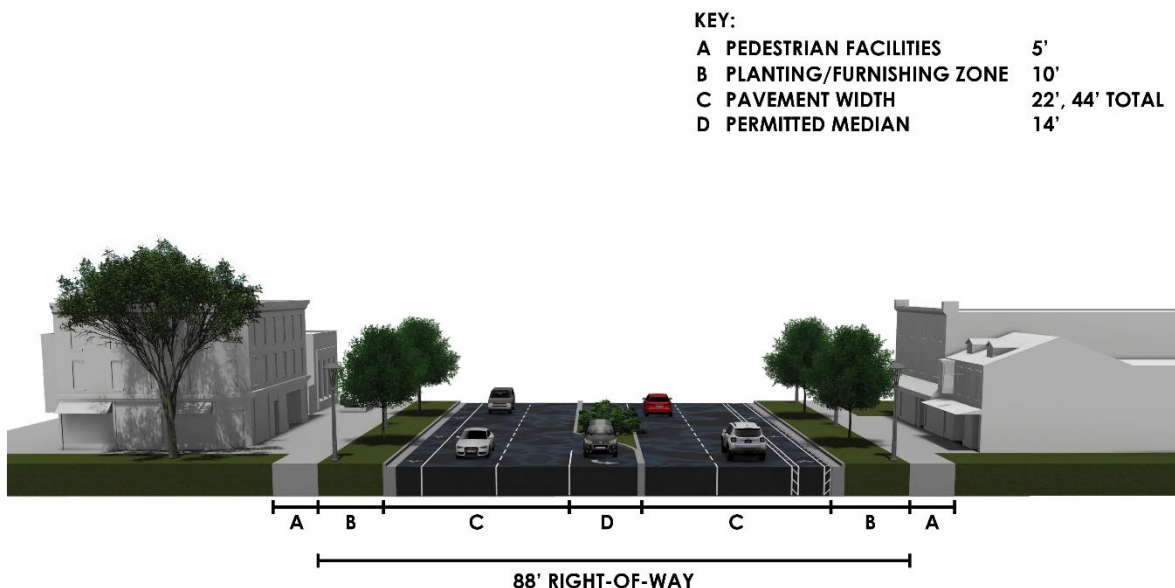


Table IV.1.4 Major Collector Street Standards

Major Collector Street Standards		
Vehicular Realm	Typical Right-of-Way Width	88' or 112' with designated bicycle lanes
	Travel Lanes	4 lanes
	Pavement Width	44'
	Parking Lanes¹	Not permitted
	Curbs/Shoulders	Concrete Vertical
	Permitted Median	Required, minimum 14' wide
	Bicycle Facilities²	Shared, Designated Shared, or Designated with 3' buffer
Pedestrian Realm	Pedestrian Facilities	Minimum 5' wide clear sidewalk on both sides
	Planting/Furnishing Zone	Minimum 10' wide Planting Zone ³ or Furnishing Zone ⁴
	Street Trees	Reference Section 1.3. <i>Street Tree Size and Street Tree Spacing</i>
	Median Trees	Reference Section 1.3. <i>Street Tree Size and Street Tree Spacing</i>
	Street Lighting	Full Cut Off; black decorative pole; subject to DRC approval
1. Reference <i>Section IV.1.3(D)(4) Vehicular On-Street Parking</i>. 2. Reference <i>Section IV.1.3(D)(3) Bicycle Facilities</i>. 3. Planting Zone is required adjacent to Residential Districts 4. Furnishings Zone is required adjacent to Commercial and Mixed-Use Districts		

1.6.3. MINOR COLLECTOR STREET

- A. **Intent.** The Minor Collector Street is a medium capacity Street for slow speeds within a standard Right-of-Way. It primarily serves as a through street within a neighborhood and connects Local Streets to Major Collector Streets. Similar in scale to the Rural Minor Collector Street, the Minor Collector Street has curbs and sidewalks on both sides. Refer to typical section, *Figure IV.1.5 Typical Minor Collector Street*.
- B. **General Requirements.** Minor Collector Streets shall be developed using the standards in *Table IV.1.5 Minor Collector Street Standards*.
- C. **Access Management.** Full motion access points onto a Minor Collector Street require a minimum of 200 feet property frontage between each access point. The City Engineer reserves the right to review each individual point of access to determine if the minimum distance should increase pending the proposed condition. Limited access points may be reviewed by the City Engineer on a case-by-case basis if the minimum distance for a full motion access point requirement cannot be met.

Figure IV.1.5 Typical Minor Collector Street

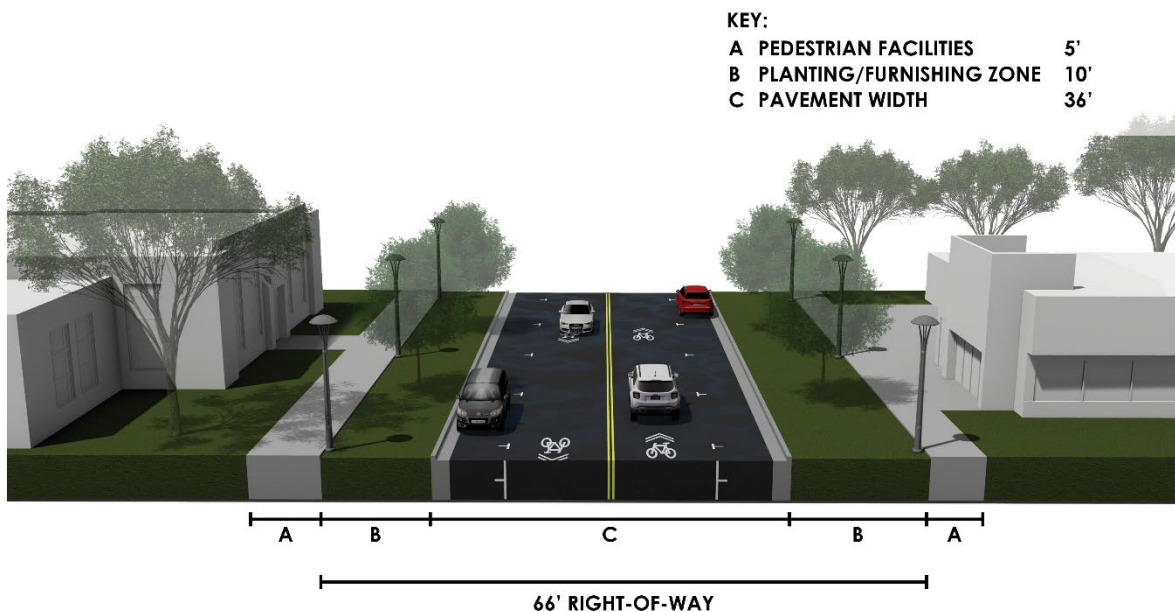


Table IV.1.5 Minor Collector Standards

Minor Collector Standards		
Vehicular Realm	Typical Right-of-Way Width	66' or 75' with diagonal parking or shared bicycle lanes
	Travel Lanes	2 lanes
	Pavement Width	36'
	Parking Lanes ¹	Parking (parallel or diagonal) required on both sides of street ³
	Curbs/Shoulders	Concrete Drop Back, Vertical, or Slotted
	Permitted Median	Prohibited, unless conservation street
Pedestrian Realm	Bicycle Facilities ²	Shared
	Pedestrian Facilities	Minimum 5' wide clear sidewalk on both sides
	Planting/Furnishing Zone	Minimum 10' wide Planting Zone ⁴ or Furnishing Zone ⁵ ; Planting Zone or Furnishing Zone is not required with Diagonal Parking
	Street Trees	Reference Section 1.3. <i>Street Tree Size and Street Tree Spacing</i>
	Street Lighting	Full Cut Off; black decorative pole; subject to DRC approval
Minimum Lot Frontage Requirement ⁶		200'
1. Reference Section IV.1.3(D)(4) <i>Vehicular On-Street Parking</i>. 2. Reference Section IV.1.3(D)(3) <i>Bicycle Facilities</i>. 3. Diagonal permitted in lieu of parallel on one side of the street adjacent to Commercial, Mixed Use, Office, and Open Space and Recreational Districts 4. Planting Zone is required adjacent to Residential Districts 5. Furnishings Zone is required adjacent to Commercial and Mixed-Use Districts 6. Only for new residential lot development. Refer to III.4.8 for site access requirements.		

1.6.4. RURAL MINOR COLLECTOR STREET

- A. **Intent.** The Minor Collector Street is a medium capacity street for slow speeds within a standard Right-of-Way. It primarily serves as a through street within a neighborhood and connects Local Streets to Major Collector streets. Similar in Scale to the Urban Collector Street, the Rural Collector Street does not have raised curbs and the Right-of-Way includes trails on both sides. Refer to section, *Figure IV.1.6 Typical Rural Collector Street*.
- B. **General Requirements.** Rural Minor Collectors shall be developed using the standards in *Table IV.1.6 Rural Minor Collector Street Standards*.
- C. **Access Management.** Full motion access points onto a minor collector street require a minimum of 200 feet property frontage between each access point. The City Engineer reserves the right to review each individual point of access to determine if the minimum distance should increase pending the proposed condition. Limited access points may be reviewed by the City Engineer on a case-by-case basis if the minimum distance for a full motion access point requirement cannot be met.

Figure IV.1.6 Typical Rural Minor Collector Street

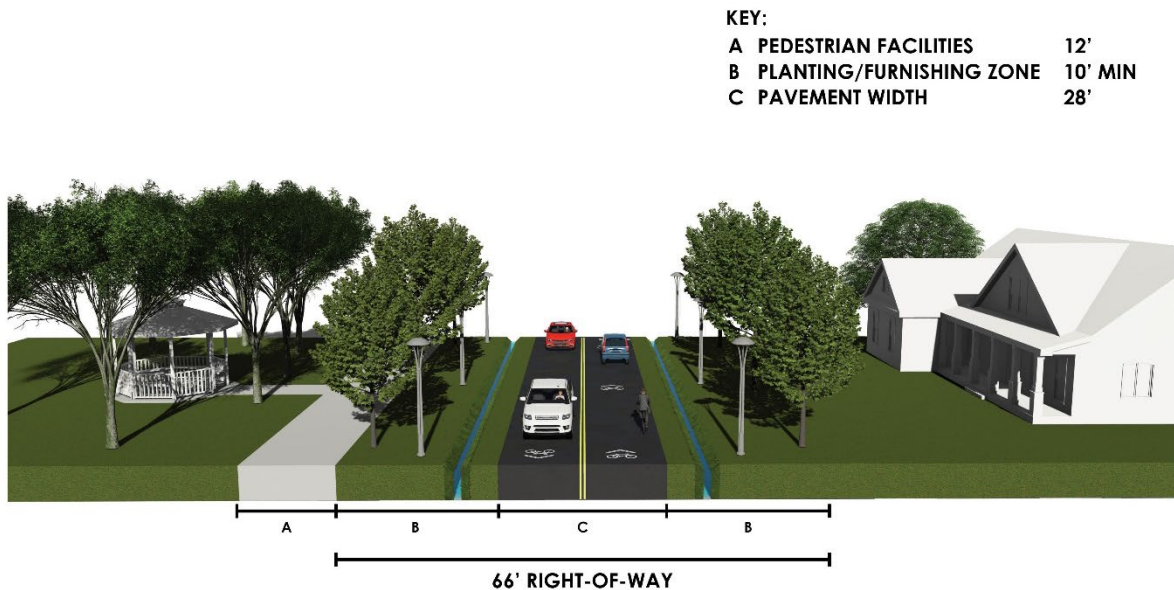


Table IV.1.6 Rural Minor Collector Street Standards

Rural Minor Collector Street Standards		
Vehicular Realm	Typical Right-of-Way Width	66'
	Travel Lanes	2 lanes
	Pavement Width	28'
	Parking Lanes¹	Not permitted
	Curbs/Shoulders	Concrete ribbon or 18" wide asphalt shoulder
	Permitted Median	Prohibited, unless conservation street
	Bicycle Facilities²	Shared
Pedestrian Realm	Pedestrian Facilities	12' wide clear Multi Use path on one side
	Planting Zone	Minimum 10' wide Planting Zone with drainage swales on both sides
	Street Trees	Reference Section 1.3. <i>Street Tree Size and Street Tree Spacing</i>
	Street Lighting	Full Cut Off, black decorative pole, subject to DRC approval
	Minimum Lot Frontage Requirement³	200'
1. Reference Section IV.1.3(D)(4) <i>Vehicular On-Street Parking</i>. 2. Reference Section IV.1.3(D)(3) <i>Bicycle Facilities</i>. 3. Only for new residential lot development. Refer to III.4.8 for site access requirements.		

1.6.5. LOCAL STREET

- A. **Intent.** The Local Street is a low-capacity street designed for slow speeds within a narrow Right-of-Way. It primarily serves those residences or businesses directly adjacent to it. Similar in scale to the Rural Local Street, the Local Street has curbs, and the Right-of-Way includes sidewalks on both sides. Refer to the typical section, *Figure IV.1.7 Typical Local Street*.
- B. **General Requirements.** The Local Street shall be developed using the standards in *Table IV.1.7 Local Street Standards*.

Figure IV.1.7 Typical Local Street

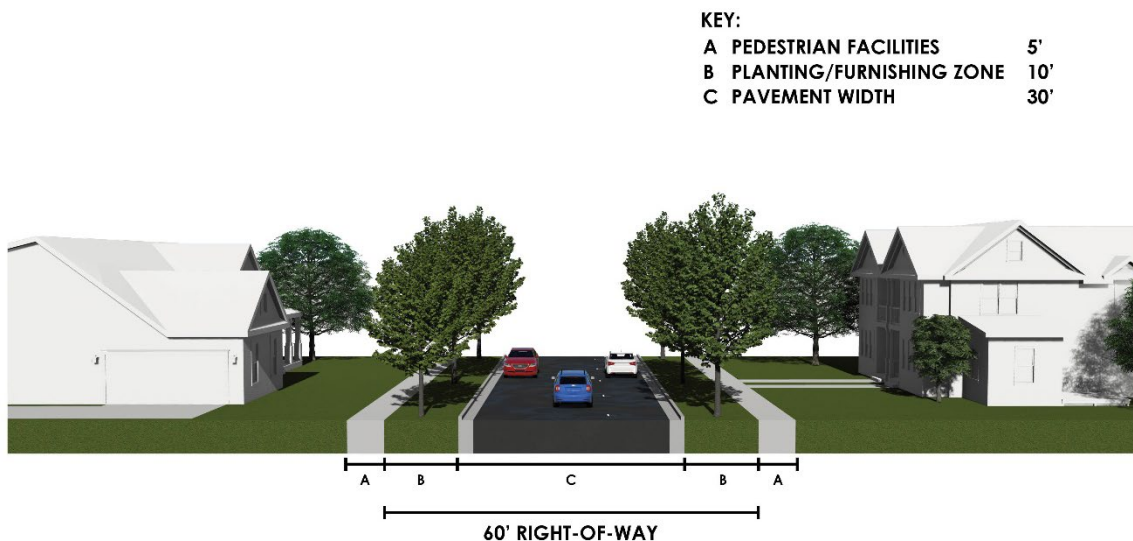


Figure IV.1.8 Typical Local Street Alternative

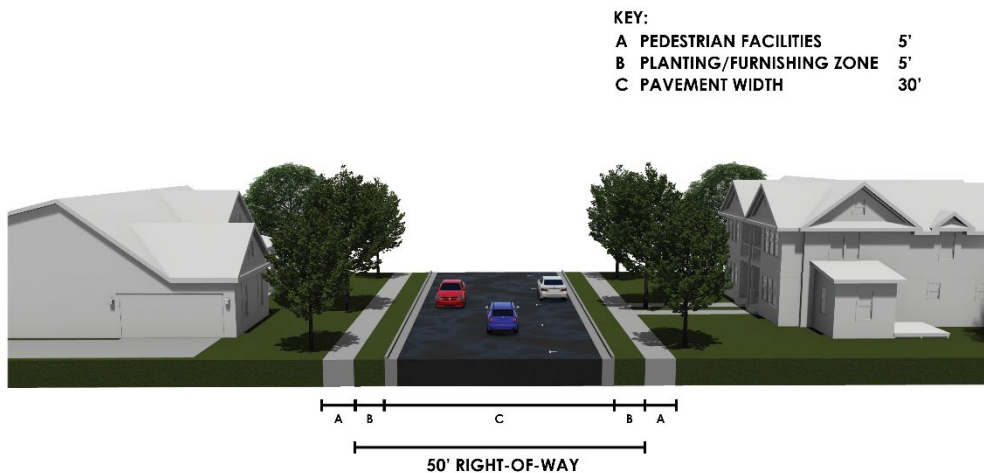


Table IV.1.7 Local Street Standards

Local Street Standards		
Vehicular Realm	Typical Right-of-Way Width	60'; 50' alternative
	Allowable Turning Lanes	Permitted in place of parking at intersections
	Parking Lanes¹	Parallel required on at least one side of the street ³
	Pavement Width	30'
	Curbs/Shoulders	Concrete Vertical, Slotted, or Drop Back
	Permitted Median	Prohibited, unless conservation street
	Bicycle Facilities²	Shared
Pedestrian Realm	Pedestrian Facilities	Minimum 5' wide clear sidewalk on both sides
	Planting/Furnishing Zone	Minimum 10' wide Planting Zone ³ or Furnishing Zone ⁴ ; 5' wide alternative
	Street Trees	Reference Section 1.3. <i>Street Tree Size and Street Tree Spacing</i> ⁵
	Street Lighting	On-lot
1. Reference <i>Section IV.1.3(D)(4) Vehicular On-Street Parking</i> . 2. Reference <i>Section IV.1.3(D)(3) Bicycle Facilities</i> . 3. Planting Zone is required adjacent to Residential Districts and Open Space and Recreational Districts 4. Furnishings Zone is required adjacent to Commercial and Mixed-Use Districts 5. Street Trees may be planted behind the sidewalk instead of within the Planting Zone.		

1.6.6. RURAL LOCAL STREET

- A. **Intent.** The Rural Local Street is a low-capacity street designed for slow speeds within a narrow Right-of-Way. It primarily serves those residences or businesses directly adjacent to it. Similar in scale to the Urban Local Street, the Rural Local Street does not have raised curbs and the Right-of-Way includes a trail on at least one (1) side. Refer to *Figure IV.1.9 Typical Rural Local Street*.
- B. **General Requirements.** The Rural Local Street shall be developed using the standards in *Table IV.1.8 Rural Local Street Standards*.

Figure IV.1.9 Typical Rural Local Street

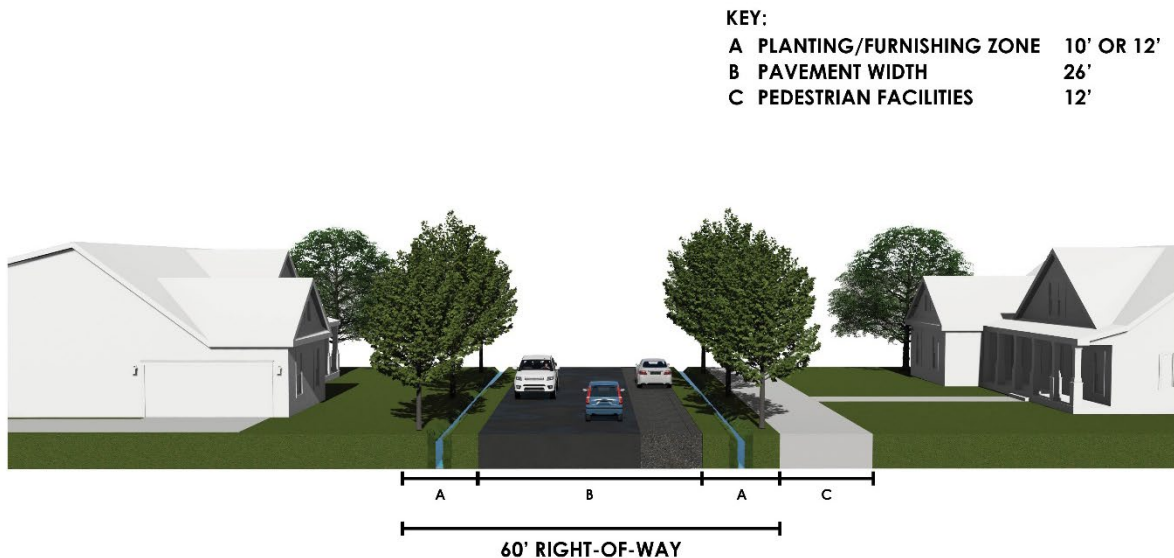


Table IV.1.8 Rural Local Street Standards

Rural Local Street Standards		
Typical Right-of-Way Width		60'
Vehicular Realm	Travel Lanes	2 lanes
	Pavement Width	26'
	Allowable Turning Lanes	Permitted in place of parking at intersections
	Parking Lanes¹	Parallel on one side of street
	Curbs/Shoulders	Concrete Ribbon or 18" wide asphalt shoulder
	Permitted Median	Prohibited, unless conservation street
	Bicycle Facilities²	Shared
Pedestrian Realm	Pedestrian Facilities	12' wide Multi Use path on one side
	Planting Zone	Minimum 12' wide Planting Zone with Mult Use path; minimum 10' wide Planting Zone with drainage swale
	Street Trees	Reference Section 1.3. <i>Street Tree Size and Street Tree Spacing³</i>
	Street Lighting	On-lot
1. Reference <i>Section IV.1.3(D)(4) Vehicular On-Street Parking</i> . 2. Reference <i>Section IV.1.3(D)(3) Bicycle Facilities</i> . 3. Street Trees shall be planted behind the sidewalk to avoid conflict with drainage swales.		

1.6.7. ALLEY

- A. **Intent.** The Alley is a very low-capacity drive located at the rear of Parcels. From the Alley, access to parking facilities, loading facilities, and service areas, such as refuse, and utilities is possible without a curb cut or driveway interrupting a Street Type.
- B. **General Requirements.** Alleys shall be developed using the standards in *Table IV.1.9 Alley Standards*.
- C. **Ownership.** Alley shall be privately owned and maintained by an Owners' Association or other organization approved by the MPC as defined in the Covenants and Restrictions for the development.
- D. **Dead-End Alleys.** Dead-end Alleys are not permitted.

Figure IV.1.10 Alleyway Cross Section

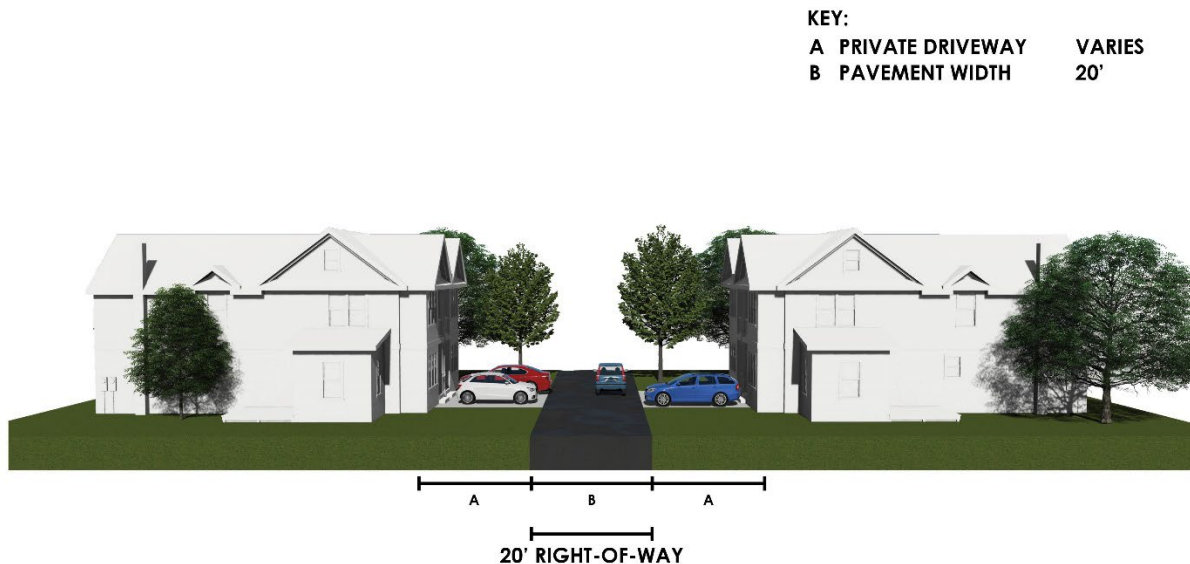


Table IV.1.9 Alley Standards

Alley Standards		
Vehicular Realm	Typical Right-of-Way Width	20'
	Travel Lanes	2 lanes
	Pavement Width	20'
	Parking Lanes ¹	Prohibited
	Concrete Curbs	None, Concrete Ribbon, or Concrete Rollover
	Permitted Median	Prohibited
	Bicycle Facilities ²	None
Pedestrian Realm	Pedestrian Facilities	None
	Planting Zone	None
	Street Trees	None
	Street Lighting	None
1. Reference <i>Section IV.1.3(D)(4) Vehicular On-Street Parking</i> . 2. Reference <i>Section IV.1.3(D)(3) Bicycle Facilities</i> .		

1.6.8. SCENIC CORRIDOR

- A. **Intent.** The Scenic Corridor is a medium to high-capacity Right-of-Way that serves all types of development, including commercial and mixed-Use development. Refer to *Figure IV.1.11 Typical Scenic Corridor*.
- B. **General Requirements.** Scenic Corridors shall be developed using the standards in *Table IV.1.10 Scenic Corridor Standards*.
- C. **Location.**
1. Scenic Corridors are identified in the Transportation Plan.
 2. New development adjacent to a Scenic Corridor requires the inclusion of the following on the development and Plat:
 - (1) Minimum fifty (50) foot wide Scenic Corridor Buffer with trail adjacent to the Scenic Corridor the length of the development. Refer to *Figure IV.1.11 Typical Scenic Corridor*
 - (2) Dedication of that portion of a sixty-eight (68) foot Right-of-Way, centered along the existing pavement of the Scenic Corridor, that falls on the Parcel.

Figure IV.1.11 Typical Scenic Corridor

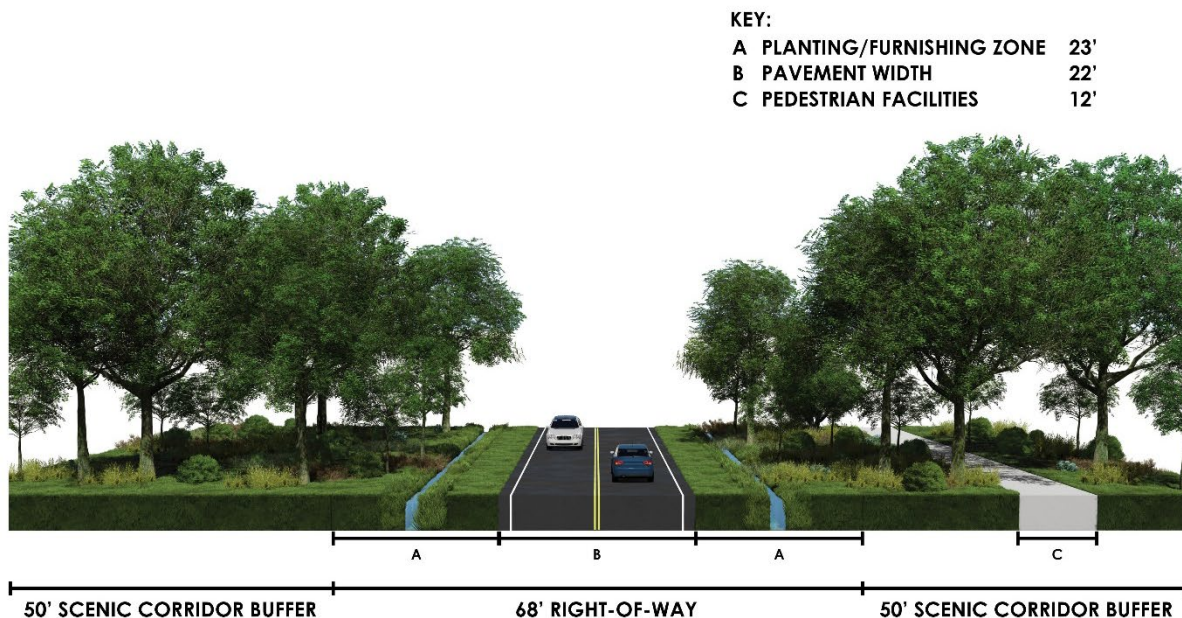


Table IV.1.10 Scenic Corridor Standards

Scenic Corridor Standards		
Vehicular Realm	Typical Right-of-Way Width	68', plus 50' Scenic Corridor Buffer on each side
	Travel Lanes	2 lanes
	Pavement Width	22'
	Parking Lanes ¹	Not permitted
	Curbs/Shoulders	None, Ribbon or 18" wide asphalt shoulder
	Permitted Median	None
Pedestrian Realm	Bicycle Facilities ²	Off street Multi-Use
	Pedestrian Facilities	One minimum 12' wide Multi-Use path in required buffer on at least one side
	Planting Zone	Minimum 23' wide Planting Zone with drainage swale on both sides, 50' Scenic Corridor Buffer (refer to IV.1.3.C.5)
	Street Trees ³	Reference Section 1.3. <i>Street Tree Size and Street Tree Spacing</i>
Street Lighting		Full Cut Off; black decorative pole; subject to DRC approval
1. Reference Section IV.1.3(D)(4) <i>Vehicular On-Street Parking</i> . 2. Reference Section IV.1.3(D)(3) <i>Bicycle Facilities</i> . 3. Applicable only if existing trees do not currently meet the street tree requirements.		

1.6.9. CONSERVATION STREET OVERLAY

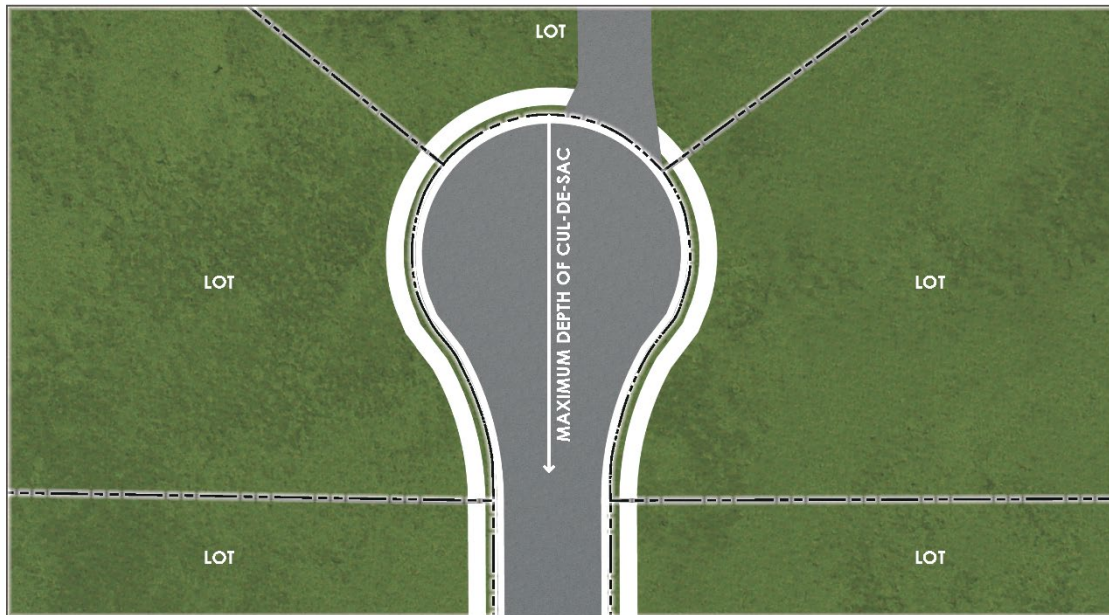
- A. **Intent.** The Conservation Street Overlay, applied to any Street Type, allows flexibility in the horizontal design of a street, including definition of the Right- of-Way width, pavement location, and pavement width, to respect the existence of natural features and maintain the character of the site within the roadway.
- B. **Applicability.** The Conservation Street Overlay may apply to the development of any Street Type.
- The following are required locations for utilization of the Conservation Street Overlay:
 - (1) Any street located within the designed Conservation Zoning District.
 - (2) The City may require the use of the Conservation Street Overlay in locations with Landmark or Specimen Trees, or other natural features to maintain the existing character of the site.

2. The Conservation Street Overlay may be optionally utilized in any location where existing trees are being preserved within the street Right- of-Way.
- C. **Approval.** A conceptual plan of the proposed street shall be submitted during the Pre-Application Conference (*Section 1.4.2 Preapplication Conference*), then further defined for the Preliminary Plat process (*Section 1.4.3.2 Preliminary Plat*) based on the required Tree Survey. Approval of the construction drawings is required during Construction Plan review (*Section 1.4.4 Construction Plans*).
- D. **General Underlying Street Requirements.** The following requirements of the underlying Street Type shall be maintained:
 1. **Topography.** Street design shall generally follow the location, horizontally and topographically, of existing natural features to preserve and maintain these features; however, the streets shall provide safe vehicular travel.
 2. **Parking Lanes.** In locations where parking lanes are permitted as optional, the parking lanes may be located where there is limited or no conflict with existing natural features. Parking lanes shall not be continuous along the street.
 3. **Curbs.** Use of curbs other than ribbon curbs shall be avoided except in locations where the existing topography demands the road grade vary significantly from the surrounding landscape, or where the presence of stormwater from the road could damage the surrounding landscape.
 4. **Target Speed.** The target speed of the street at the location of the overlay may be reduced to allow curving the road between natural features.
 5. **Permitted Median.** Medians are permitted in all cases to allow flexibility in the location of the travel lanes for the preservation of natural features.
 6. **Bicycle Facilities.** Designated shared and dedicated bicycle lanes shall be avoided in overlay areas to limit the width of the pavement, unless required for continuous access. Multi Use Paths may be used to provide bicycle access.
 7. **Pedestrian Facilities.** Pedestrian facilities shall be provided on both sides of the street and shall be appropriate to the type of adjacent development.
 8. **Planting/Furnishing Zone.** No shoulder is required. In all cases, minimum Planting or Furnishing Zone widths shall be maintained to provide drainage Swales and to buffer pedestrians from travel lanes. Buffers may contain existing trees.
 9. **General Street Layout Requirements.** The street design shall follow all requirements of the Land Development Regulations.
 10. **Fire Access.** The street design shall meet all requirements for fire access.

1.6.10. CUL-DE-SACS.

- A. **Intent.** To design Cul-de-sacs, that limit the amount of uninterrupted pavement, provide green space, allow for emergency access, reduce vehicular and pedestrian travel time, reduce congestion, encourage walking, and encourage block arrangements that minimize rear-facing buildings along streets.
- B. **Applicability.**
1. Cul-de-sacs may be developed adjacent to either a Collector or a Local Street.
 2. Cul-de-sacs may only be utilized adjacent to residential districts RR through RM1, unless a modification is approved by MPC.
- C. **General Underlying Street Requirements.** The following general requirements of the underlying Street Type shall be maintained:
1. Pedestrian facilities are required on the outside of cul-de-sac only.
 2. Any required Street Buffer is required on the outside of cul-de-sac only.
- D. **Specific Requirements.** The following specific requirements apply.
1. **Center Median.** A center median is required, with a landscaped area of at least 1,400 square feet and a minimum dimension of twenty (20) feet in either direction.
 - (1) For the center median to count towards Neighborhood Scale Open Space Requirements (refer to *Section III.2 Open Space Type Standards*), it shall meet minimum dimensions defined by one of the Open Space Types, such as the Green. Refer to *Section III.2 Open Space Type Standards*.
 2. **One Way.** The cul-de-sac may be one way to further reduce pavement width to a minimum of twenty-two (22) feet, including one travel lane and on-street parking on one side. A two-way cul-de-sac shall meet the requirements for fire access and the following criteria of the Local Street:
 - (1) There shall be one (1) yield lane.
 - (2) Travel lane width shall be eighteen (18) feet.
 3. **Maximum Depth.** The maximum depth of the cul-de-sac, as measured from the intersection of the centerline of the cul-de-sac to the adjacent street to the furthest edge of the Right-of-Way, shall meet all requirements for fire access.

Figure IV.1.12 Typical Cul-de-sac



IV.2



2. UTILITY STANDARDS

2.1. GENERAL REQUIREMENTS

A. **Intent.** The intent of this Section is to:

1. Establish and define the public utility Improvements which shall be required to be constructed by the Applicant for all approvals.
2. Outline the procedures and responsibilities of the Applicant and the various public officials and agencies concerned with the planning design, construction, and financing of public utilities.
3. Encourage efficient development by coordinating existing and proposed utility systems in the City.
4. Coordinate the operation and function of utility systems throughout the City, including access to and within individual Subdivisions.
5. Ensure that the design and operation of required utility improvements are

2. Utility Standards	531
2.1. General Requirements	531
2.2. Water Supply System.....	536
2.3. Storm Sewer System.....	537
2.4. Sanitary Sewer System.....	540
2.5. Sewage Lift Stations and Sewer Force Mains	551

compatible with the street system, bicycle and pedestrian facilities, drainage facilities, and the resulting Block and Lot patterns.

6. Ensure that all new streets have access to the required utilities, or that the necessary Improvements can be efficiently constructed in coordination with future development.
 7. Gravity flow shall be used, with lift stations and force mains only considered when necessary, such as to deal with extreme terrain or the protection of significant natural resources. The costs of lift stations shall be borne by the Applicant.
 8. Minimize damage to all elements, including trees and vegetation within any Rights-of-Way, Scenic Corridor Buffers, Conservation Areas, or other natural areas.
- B. **Applicability.** These standards shall apply to Parcels being subdivided per the processes outlined in *Section I.4 Process Criteria and Application* and in this Article.
- C. **Authority.** This Section, *Section IV.2 Utility Standards*, is part of the Engineering Standards and is under the purview of the Municipal Planning Commission (MPC).
1. Any modification from these regulations requires a Subdivision Modification approval (*Section I.4.5.2 Subdivision Modification*).
 2. Amendments to this Section require an Amendment to Engineering Standards (*Section I.4.5.3 Amendment to the Engineering Standards*).
- D. **General Requirements.** The Applicant shall provide adequate water, sanitary sewer, stormwater management, and energy service to all Lots resulting from a Subdivision by connecting to existing city systems that are deemed adequate by the City Engineer and Memphis Light Gas and Water to handle the additional volume resulting from the proposed development.
1. **Installation of Public Utilities.** Applicable public utilities shall be in accordance with City and Memphis Light Gas and Water standards and shall be stubbed to the edge of the Right-of-Way of each individual lot through the subdivision.
 - (1) **Underground Utilities.** Except as specifically authorized by this Article, all public and quasi- public utilities, including gas lines, electrical lines, telephone lines, and cable transmission lines shall be located underground and, except for individual building or property services, shall be in public Easements or dedicated public rights-of-way.
 - (2) **Above-ground Utilities Screening.** The Applicant shall provide adequate landscaping to screen any above-ground utility appurtenances, such as electrical transformers, pumping stations, and telephone pedestals, in accordance with *Section III.3 Landscape Standards*.

- (3) **Overhead Utilities.** Overhead utilities shall not be utilized unless approval is obtained from the MPC.
- i. Exemption for electrical improvements. The following above-ground electrical improvements shall be exempt from underground requirements and do not require MPC approval.
 - a. Service lines being dropped for an individual residence.
 - b. A service line to any individual lot of record established prior to the date of this ordinance, if development in compliance with applicable regulations is proposed and does not require subdivision or new public improvements.
 - c. Above ground utility equipment installed, maintained, and utilized by utility companies for a period not to exceed one (1) year to provide emergency utility services. The time limitation may be extended, if warranted, by the Municipal Planning Commission.
 - d. Utility equipment utilized for street lighting purposes.
 - e. Utility equipment utilized exclusively for vehicular and pedestrian traffic control purposes.
 - f. Utility equipment appurtenant to underground facilities, such as service-mounted, pedestal-mounted, or pad-mounted transformers, terminal boxes, meters, cross boxes, cabinets, vaults, electronic enclosures, pedestals, flush-to-grade hand holes, splice closures. Related equipment shall be above ground, preferably within the furnishing zone between the curb and sidewalk, within the public utility easement, or within the required front yard setback or side yard setback adjacent to the street; equipment placed in the street right-of-way shall be subject to applicable laws and ordinances.
 - g. Temporary utility equipment utilized or to be utilized exclusively in conjunction with construction projects, seasonal, or special event installations. Upon installation of permanent utility service, above ground service shall be removed.
 - h. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building, or to an adjacent building or to the alley, without crossing any public street.
 - i. Antennas, associated equipment and supporting structures, used by a

utility for furnishing communication services.

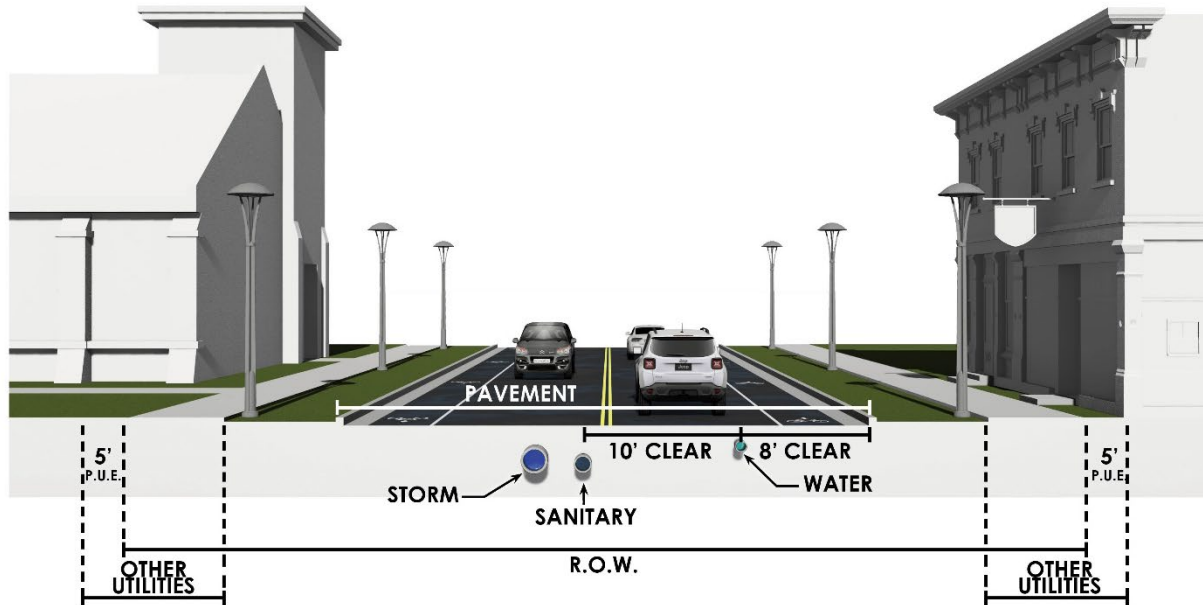
- j. Electrical transmission lines or distribution lines. All lines shall be installed on painted steel poles. Steel pole paint color shall be earth tones or subject to DRC approval.
- k. Equipment installed by the utility which should not be installed underground for engineering, safety, or environmental regulatory reasons, and which the Municipal Planning Commission agrees may be installed above ground accordingly.

2. **Water Main, Sanitary Sewer, and Storm Sewer Locations.** Water mains, sanitary sewers, and storm sewers shall be located under the vehicular pavement of a street Right-of-Way. Refer to *Figure IV.2.1 Typical Utility Locations*. With MPC approval, portions of utilities may be located outside the pavement area if any of the following conditions exist:
 - (1) Pavement width is not wide enough to provide defined clearances.
 - (2) Curvature of the street requires straight segments of utilities to extend beyond the pavement.
 - (3) Underground conditions prohibit locating utilities under pavement.
3. **Easement Width.** Easements outside the street Rights-of-Way, containing only water, sewer, and storm sewer mains shall be at least twenty (20) feet in width. No other utilities or related items (sprinkler systems, buildings, electric cables, etc.) shall be installed in the easement unless approved by the City.
4. **Required Access to Easements.** Utility Easements or Rights-of-Way shall be of sufficient width and the utilities shall be installed at such locations therein as to permit open-cut installation, maintenance and repair within the confines of the Easement or Right-of-Way.
5. **Location of Appurtenances.** All utilities and appurtenances located in a vehicular Right-of-Way shall be located to minimize visual impacts. Avoid locating multiple appurtenances on the corner or in the rear of the Lot.
6. **Construction Standards.** All utility installations shall conform with the applicable City, state, regulatory, or accepted industry standards, whichever impose the highest and most demanding requirements for the preservation and protection of the public health, safety, and welfare.
7. **New Technology and Materials.** New materials, equipment, or technology not covered by these design standards or the City's Public Works Construction and Material Specifications, may be considered on an individual basis if such a

variance has the potential to initiate more cost-effective service to the citizens of Lakeland. Facilities not covered by these standards shall be reviewed and considered for approval, approval with conditions, disapproval, or other applicable action jointly by the City and the Tennessee Department of Environment and Conservation. Memphis Light Gas and Water is exempted from this standard.

8. **Tree Protection.** Exercise care when working within the Critical Root Zone of protected trees. Refer to *Section III.3.16 Tree Preservation and Management*.
9. **Record Drawings.** Prior to acceptance of public infrastructure, record drawings shall be submitted to the City, illustrating the constructed locations of all utilities and appurtenances. Record drawings shall be submitted in electronic format with a copy of the Final Plat, formatted per City requirements. The record drawings shall include, but are not limited to, the following information:
 - (1) Contractor's name and address.
 - (2) Construction dates.
 - (3) Street names and pavement widths.
 - (4) Mains and sizes.
 - (5) Material of mains.
 - (6) Fire hydrant locations and manufacturer, and model.
 - (7) Water valve locations, manufacturer, and model.
 - (8) Sewer manhole locations and invert elevations.
 - (9) Storm sewer manhole locations and invert elevations.
 - (10) Storm sewer inlet locations and invert elevations.
 - (11) Location of water and sewer stubouts.
 - (12) Block and Lot numbers.
 - (13) House numbers shall be obtained from MLGW.
 - (14) All manhole invert and top of ring elevations.
 - (15) Distance between manholes or cleanouts.
 - (16) Orientation of north.
 - (17) Scales shall be the same scale as those for construction drawings.
 - (18) Storm sewer detention topography and outlet control structure elevations.
 - i. Engineer shall update the storm sewer detention flow and capacity tables to reflect the as-built information.

Figure IV.2.1 Typical Utility Locations



2.2. WATER SUPPLY SYSTEM

A. **General Requirements.** All Subdivisions shall be designed so the proposed water distribution and supply system meets the following requirements.

1. **Plan Approval.** All proposed plans shall be designed by Memphis Light Gas and Water (when applicable) or by the Applicant and a completed plan shall be provided to the City Engineer.
2. **Provider Requirements.** Design of the water supply system shall conform to the requirements of Memphis Light, Gas & Water.

B. **Systems in Public Rights-of-Way.**

1. **Extension of Existing Lines.** Water mains shall be extended through the proposed Subdivision to serve otherwise unserved abutting properties.
2. **Service Line Connections.** The Applicant shall provide water service, with separate service connections terminating not less than two (2) feet inside the property or Easement line, to each proposed Lot of record.
3. **Capacity.** The Applicant shall ensure that there is adequate capacity to serve all the Lots proposed to be served by the utility, plus any additional extensions to the main which might be made to develop property in the same pressure area with the

type of Uses and to the maximum Density permitted by the existing Zoning Regulations of the City with respect to the property within the corporate limits and by the anticipated Zoning for any land currently outside the corporate limits.

4. **Configuration.** Loop water mains to avoid dead ends.
5. **Fire Hydrants.** Standard fire hydrants shall be provided in accordance with the most current version of the International Fire Code. All fire hydrants shall have auxiliary valves. Fire hydrant spacing related to new development shall be five hundred (500) feet or in accordance with the most current version of the International Fire Code.
6. **Size Requirements.** The minimum size water main shall be eight (8) inches in diameter.
7. **Horizontal Distance of Main from Sewer.** Water mains shall be laid at least ten (10) feet horizontally from any sanitary sewer, storm sewer, or sewer manhole. The distance shall be measured edge-to- edge.
 - (1) When local conditions prevent a horizontal separation of ten (10) feet, a water main may be laid closer to a storm or sanitary sewer if such construction is strictly in accordance with Tennessee Department of Environment and Conservation requirements.
8. **Vertical Distance Between Mains and Sewers.** Water mains crossing storm sewers or sanitary sewers shall be laid above the sewers and shall provide a vertical separation of at least eighteen (18) inches between the bottom of the water main and the top of the sewer.
- C. **Right-of-Way Dedication.** All water mains shall be installed in public easements or dedicated public rights-of-way having a minimum width of twenty (20) feet.
- D. **Construction Standards.** All water mains shall use materials and be installed in a manner meeting or exceeding the required standards and specifications approved by the City Engineer and Memphis Light Gas & Water.
- E. **Service Connections.** Water service meter shall be stubbed out twenty (20) inches from the back of curb or edge of pavement for each lot.
- F. **Groundwater Wells.** Prohibited.

2.3. STORM SEWER SYSTEM

- A. **General Requirements.** All Subdivisions proposed storm sewers and appurtenances shall meet the following requirements.
 1. **Adjacent Areas.** All storm sewers and appurtenances shall be designed to carry

the design flows from all contiguous or adjacent areas that may within a reasonable period in the future. Contiguous or adjacent areas to be included in the design, and the tributary population to be provided for, shall be subject to approval by the City.

2. **Requirements.** Design of the storm sewer system shall conform to the requirements contained in the Memphis/Shelby County Drainage Design Manual and herein.
 3. **Design to Prevent Damage.** All storm sewers shall be designed to prevent damage from superimposed loads as well as trench loading conditions. All sewers are to be bedded as required by the City's Public Works Construction and Material Specifications.
 4. **Anchoring on Steep Grades.** Storm sewers on twenty (20) percent slope or greater shall be anchored securely with concrete anchors, or equivalent, spaced as follows:
 - (1) Not over thirty-six (36) feet center-to-center on grades between twenty (20) percent and thirty-five (35) percent.
 - (2) Not over twenty-four (24) feet center-to-center on grades between thirty five percent (35) and fifty (50) percent.
 - (3) Not over sixteen (16) feet center-to-center on grades over fifty (50) percent.
 5. **Potable Water Supply.** There shall be no physical connection between a public or private potable water supply system and a storm sewer or appurtenance thereto which would permit the passage of any polluted water into the potable supply.
 6. Materials approved for storm sewer main and structures are listed in the City's Public Works Construction and Material Specifications Manual.
- B. **Storm Sewer Tap Procedures.** Storm Sewer tap procedures to be followed by contractors and installers in connecting drains lines from all buildings or properties to storm sewer lines within the corporate limits of the City shall be as follows:
1. **Notification.** Notify the City Engineer twenty- four (24) hours prior to any connection being made.
 2. **Uncovering the Service Line.** Uncover the service line to the Lot in the presence of an authorized City representative or as directed by the City Engineer.
 3. **Tying In.** Make a tie into the storm sewer pipeline only with an authorized City representative present. Back fill only when instructed to do so by the City representative.
 4. **Line Testing.** No testing is required for storm sewers.
- C. **Storm Sewer Easement Width.** All Easements containing only storm sewer mains

shall be at least twenty (20) feet in width and graded so that every manhole shall be accessible to maintenance equipment. No other utilities or related items (sprinkler systems, buildings, sidewalks, electric cables, etc.) shall be installed in the Easement unless approved by the City.

D. **Design Flows. Storm Sewer Hydraulic Design.** Storm sewers and detention systems shall be designed in accordance with the City of Memphis/Shelby County Storm Water Design Manual.

1. The design of a closed conduit storm sewer system shall be based on the 25 year 24-hour storm. This criterion shall be applied to both closed conduit and open channel systems. However, if the 25-year design flow for an open channel system is greater than 100 cubic feet per second (cfs), then the open or closed system shall pass the 100-year, 24-hour design flow within the drainage easement. Roadside ditches shall be designed to pass the 100-year 24-hour storm event.

E. **Depth of Cover.**

1. **Minimum Depth of Cover.** In no case shall storm sewers be designed for a depth of cover less than thirty-six (36) inches over the top of the pipe. Where shallower depths are unavoidable, consideration may be given to different bedding conditions. Proper allowance for loads on the sewer shall be made because of width and depth of trench.
2. **Minimum Factor of Safety.** Rigid pipe shall have a minimum factor of safety of 1.5. flexible pipe shall have a minimum factor of safety of 1.25. Where necessary special construction and bedding shall be required.

F. **Velocity of Flow.** All sewers shall be designed and constructed with hydraulic slopes sufficient to give mean velocities, when flowing full, of not less than 3.0 feet per second based on Manning's formula, using a value for "n" of 0.013. Curb and gutter shall be designed with a manning coefficient of 0.017.

G. **Minimum Size.** No public storm sewer shall be less than fifteen (15) inches in diameter.

H. **Alignment.**

1. **General Sewer Alignment.** In general, sewers shall be designed for uniform slope and alignment between manholes and shall be located parallel to and with a minimum of ten (10) feet separation from water lines.
2. **Energy Gradient Line.** The energy gradient line shall be maintained whenever a smaller sewer joins a larger sewer. This shall be approximated by placing the 0.8 depth of both sewers at the same elevation (not considering head loss through the

manhole).

I. Manholes.

1. **Locations.** Manholes shall be installed at the end of each line, at all changes in grade, size, or alignment, at all storm sewer main intersections, and at distances not greater than four hundred feet apart for sewers fifteen (15) inches in diameter or less, and not greater than four hundred fifty feet (450) apart for sewers eighteen (18) inches in diameter or larger.
2. **Manhole Diameter.** Manhole diameters shall be as described in the City's Public Works and Material Specifications.
3. **Drop Manholes.** Drop manholes shall be provided for a lateral sewer entering a manhole at an elevation of twenty-four (24) inches or more above the manhole invert.
4. **Floor Troughs.** Floor troughs shall be furnished for all sewers entering manholes. A larger diameter manhole shall be used to properly construct floor troughs where the incoming sewer inverts are substantially higher than the outgoing sewer invert. At all manholes with a change of direction, a drop from entrance to outlet of at least 0.1 ft. shall be provided to account for head loss through the manhole.
5. **Public Works Construction and Material Specifications.** All manholes shall conform to the dimensions, construction details, materials, and testing requirements detailed in the City's Public Works Construction and Material Specifications.
6. All manholes located in Area of Special Flood Hazards shall be flat top manholes. All manhole ring and covers shall be watertight.

J. Storm Sewer Structures.

1. Storm sewer structures shall be precast or cast in place. Brick structures are not permitted.
2. Storm sewer castings shall be as specified in the City's Public Works Manual and Material Specifications.

- K. Material.** All public stormwater pipe shall be concrete unless otherwise approved. Refer to the City's Public Works Manual and Material Specifications.

2.4. SANITARY SEWER SYSTEM

- A. General Requirements.** All Subdivisions shall be designed to meet the requirements herein, or those of the Tennessee Department of Environment and Conservation Sanitary Sewer Design Guidelines, whichever is more restrictive.

1. **Adjacent Areas.** All sanitary sewers and appurtenances shall be designed to carry the design flows from all contiguous or adjacent areas.
2. **Plan Approval.** Contiguous or adjacent areas to be included in the design, and the tributary population to be provided for, shall be subject to approval by the City. The Board of Sewerage Commissioners (BOSC) shall review all public sewer connections and make a recommendation to the Board of Commissioners prior to any connection by the Applicant.
 - (1) Properties served by the system shall be limited to those approved by the BOSC. No other properties or Lots shall be served without permission of the BOSC.
 - (2) Sewer service taps to the existing sewer main shall be installed by the developer or property owner in accordance with current city specifications.
 - (3) Prior to connection of any building, all sewer construction shall be inspected, and approval shall be obtained, from the City.
 - (4) If the Applicant's Property is adjacent to an existing City sewer main on which recapture charges are due because of oversizing, the Applicant shall pay the charges.
 - (5) The Applicant shall pay all development charges for each connection served by water and sewer.
 - (6) The Owner agrees to abide by the rules and regulations of the City regarding pretreatment of sewage, use of sewer facilities, and sewer service; and all state and federal rules and regulations including but not limited to all provisions of the Federal Pretreatment Regulations (40CFR, Part 403).
 - (7) The City does not waive any rights it may have pursuant to the Tennessee Governmental Tort Liability Act, and the City specifically reserves the right to assert all rights, immunities, and defenses it may have pursuant to the T.C.A.
3. **Permit Approval.** All public sanitary sewer shall be reviewed and approved through the Tennessee Department of Environment and Conservation per the TDEC requirements.
4. **Sanitary Sewer Collection Study.** A sanitary sewer collection study shall be provided for all commercial developments, industrial developments, and all residential developments consisting of twenty (20) or more Dwelling Units. The study shall be submitted during the Preliminary Plat Process (refer to *Section 1.4.3.2 Preliminary Plat*) and shall include, at a minimum, the following:
 - (1) Table of estimated sewage flows (peak and average daily flows) for the

development and for each Land Use. The table shall include the number of Dwelling Units and commercial square footages.

- (2) All calculations shall be referenced with data from the design values acquired from the Tennessee Department of Environment and Conservation (TDEC). Should design values not be available from TDEC, the Applicant shall contact the City Engineer or use the table below for reference.

Table IV.2.1. Sanitary Sewer Use and Flow Table

Use	Unit	Flow (gpd)	Notes
Single Family Dwelling	Per Dwelling	350	
<i>Multi-Family Housing (3 BR)</i>	<i>Per Dwelling</i>	<i>350</i>	
<i>Multi-Family Housing (2 BR)</i>	<i>Per Dwelling</i>	<i>300</i>	
<i>Multi-Family Housing (1 BR)</i>	<i>Per Dwelling</i>	<i>200</i>	
General Office Space	Per Employee	25	
<i>General Office Space</i>	<i>Per SF</i>	<i>0.1</i>	Assumes 1 Employee per 250 sf
Office / Warehouse Space	Per SF	0.1	
<i>Warehouse Distribution</i>	<i>Per SF</i>	<i>0.025</i>	
Schools w/ Showers & Cafeteria	Per Person	16	
Schools w/o Showers & Cafeteria	Per Person	12	
Boarding Schools / Dormitories	Per Person	75	
Motels at 65 Gal/Person (rooms only)	Per Person	130	
<i>Hotel</i>	<i>Per Room</i>	<i>130</i>	
Trailer Courts at 3 person/trailer	Per Trailer	225	
Restaurants	Per Seat	40	
<i>Restaurants (Full Service)</i>	<i>Per SF</i>	<i>2.0</i>	Assumes 60% of restaurant floor area is dining space and 1 seat per 12 sf
<i>Restaurants (Counter Service or Fine Dining)</i>	<i>Per SF</i>	<i>1.3</i>	Assumes 60% of restaurant floor area is dining space and 1 seat per 18 sf

Use	Unit	Flow (gpd)	Notes
<i>Restaurants (Fast Food)</i>	<i>Per SF</i>	2.2	Assumes 60% of restaurant floor area is dining space and 1 seat per 11 sf
Service Station	Per Fuel Island	1000	
Factories	Per Person Per 8HR Shift	25	
Shopping Centers (no food)	Per SF	0.15	
<i>Retail</i>	<i>Per SF</i>	<i>0.15</i>	
Hospitals	Per Bed	200	
Nursing Homes (+ 75 gallons for laundry)	Per Bed	120	
Child Care Center	Per child and Adult	10	
Laundromats	Per Machine	250	
Swimming Pools	Per Swimmer	10	
Theaters, Auditorium Type	Per Seat	5	
Retirement Living	Per Resident	100	
Church (With Kitchen)	Per Seat	5	
Car Wash (Standalone)	Per Bay	500	
Barber/Salon	Per Station	200	

5. **Development Limitations.** No Subdivision of property shall be approved if sewer does not service the property with the following exception:

- (1) Residential Lots of two (2) acres or more and containing adequate area and soils may utilize a septic system if approved by the County Health officer and the City.
 - i. **Soils Test.** A soils test shall be conducted by a certified soils scientist and filed with the City.
 - ii. **Proximity to Existing Sewer.** If any portion of a Lot is located within 500 feet of an existing sanitary sewer line, septic systems are not permitted and connection to the sanitary system is required.

- iii. **Septic System.** Septic Systems are prohibited for proposed commercial uses.
- 6. **Design to Prevent Damage.** All sewers shall be designed to prevent damage from superimposed loads as well as trench loading conditions. All sewers are to be bedded and installed as required by the City's Public Works Construction and Material Specifications.
- 7. **Anchoring on Steep Grades.** Sewers on twenty (20) percent slope or greater shall be anchored securely with concrete anchors, or equivalent, spaced as follows:
 - (1) Not over thirty-six (36) feet center-to-center on grades between twenty (20) percent and thirty-five (35) percent.
 - (2) Not over twenty-four feet center-to-center on grades between thirty five percent (35) and fifty (50) percent.
 - (3) Not over sixteen (16) feet center-to-center on grades over fifty (50) percent.
- 8. **Potable Water Supply.** There shall be no physical connection between a public or private potable water supply system and a sewer, or appurtenance thereto which would permit the passage of any sewerage or polluted water into the potable supply.
- 9. Materials approved for sewer main and service connections shall be those listed in the City's Public Works Construction and Material Specifications Manual.
- B. **Sewer Tap Procedures.** Sewer tap procedures to be followed by plumbers and installers in connecting sanitary sewer lines from all buildings to sanitary sewer lines within the corporate limits of the City shall be as follows:
 - 1. **Notification.** Notify the City Engineer twenty- four (24) hours prior to any connection being made.
 - 2. **Uncovering the Service Line.** Uncover the service line to the Lot in the presence of an authorized City representative or as directed by the City Engineer.
 - 3. **Tying In.** Make a tie into the service line only with an authorized City representative present. Back fill only when instructed to do so by the City representative.
 - 4. **Line Testing.** The line shall be tested immediately by the introduction of water, which shall be monitored by an authorized City representative to determine the suitability of the connection. Dye or color shall be required if the line is active.
- C. **Sewer Easement Width.** Easements outside the street Rights-of-Way, containing only sewer mains shall be at least twenty (20) feet in width. No other utilities or related items (sprinkler systems, buildings, electric cables, etc.) shall be installed in the

Easement unless approved by the City.

D. Design Flows.

1. **Peak Discharge.** Sanitary sewers shall be designed to carry the peak flow discharge and to transport suspended material so that deposition in the sewer is precluded. Refer to peak load parameters in *Table IV.2.2 Peaking Factors*.
2. **City Approval of Densities.** The Applicant shall substantiate and have City approval of population densities per acre or per unit.
3. **Daily Per Capita Flow.** New sewer systems shall be designed based on an average daily per capita flow of not less than one hundred gallons (100) per day or actual sewer flows determined from the City.
 - (1) **Additional Allowance.** Additional allowances may be made if conditions are unfavorable to accommodate an average daily per capita flow of one hundred gallons per day.
 - (2) **Peak Load Parameters.** To provide for peak loads, sanitary sewers shall be designed for peak flow to average flow at 75 percent pipe diameter depth, ratios of 4:1 for lateral sewers (8-inch); 3.5:1 for collector sewers (10- inch through 15-inch); and 2.5:1 for interceptor sewers (18-inch and larger).

Table IV.2.2. Peaking Factors

Peaking Factors			
Type	Size (in)	Peak Flow factor	Average Flow
Lateral Sewer	<= 8	4	1
Collector Sewer	10 to 15	3.5	1
Interceptor Sewer	18 or >	2.5	1
Example:	10" Sewer Line Average Flow of 25gpm Peak Factor is 3.5 Peak Flow would be 87.5gpm (Peak Flow = Peak Factor x Average Flow)		

4. **Additional Submittal.** When deviations from the foregoing procedure are requested, a description of the design procedure used shall be submitted with the plans and specifications for approval.
5. **Sewage Flow Guidelines.** The following sewage flow parameters shall be used as a general guideline for minimum estimated average flows generated from nonresidential land Use:
 - (1) Commercial Area 2,000 gal./acre/day*
 - a. *It should be noted that this a general estimate. A Sanitary Sewer Collection Study with specific flow information for the proposed site is required to be submitted for review and approval.
 - (2) Infiltration-Inflow Allowance 500 gal/acre/day

E. **Depth of Cover.** In no case, shall public sanitary sewers be designed for a depth of cover less than thirty-six inches over the top of the pipe or sewer.

1. Where shallower depths are unavoidable, construction of epoxy lined or polyurethane lined ductile iron, or similarly protected sewer, with or without insulation may be utilized with City Engineer approval. Proper allowance for loads on the sewer shall be made because of width and depth of trench.
2. **Minimum Factor of Safety.** Rigid pipe shall have a minimum factor of safety of 1.5. flexible pipe shall have a minimum factor of safety of 1.25. Where necessary, special construction shall be required.

Table IV.2.3. Allowable Materials – Gravity Sewer

Allowable Materials Table - Gravity Sewer*	
<15 feet	PVC - SDR 26
	DIP - Class 350
>15 feet	DIP - Class 350

* gravity sanitary sewer shall not bend or curve; flexible pipe other than PVC-SDR26 is not acceptable.

Table IV.2.4. Allowable Materials – Force Main Sewer

Allowable Materials Table - Force Main Sewer	
Flexible Pipe	Rigid Pipe
HDPE - DR 9**	PVC - SDR 21
	DIP - Class 350*
	Stainless Steel*

*Lining is required

**Butt fusion bend acceptable

F. **Velocity of Flow.** All sewers shall be designed and constructed with hydraulic slopes sufficient to give mean velocities, when flowing full, of not less than two (2) feet per second, based on Manning's formula, using a value for "n" of 0.013. The minimum slopes to be provided for shall be as specified by Tennessee Department of Environment and Conservation.

1. The Applicant shall furnish computations for velocities and depth of flow for grades more than eight (8) percent and for extremely low flow situations.
2. Where velocities greater than ten (10) feet per second are attained, special provision shall be made to protect against displacement by erosion and impact.

G. **Minimum Size and Slope.** No public sanitary sewer shall be less than eight (8) inches in diameter. The minimum size of house connections shall be four (4) inches in diameter. Refer to *Table IV.2.5 Minimum Sewer Slope Requirements*.

Table IV.2.5 Minimum Sewer Slope Requirements

Sewer Size (inches)	Minimum Slope (ft / 100 ft)
4	2.0
6	1.0
8	0.40
10	0.28
12	0.22
15	0.15
18	0.12
21	0.10
24	0.08
27	0.067
30	0.058
33	0.051
36	0.046
42	0.037
Note: Sewers 48" or larger should be designed and constructed to give mean velocities, when flowing full, of not less than 3.0 feet per second, based on Manning's formula using an "n" value of 0.013, and can move spherical solids up to 3 inches in diameter.	

H. Alignment.

1. **General Sewer Alignment.** In general, sewers shall be designed for uniform slope and alignment between manholes and shall be located parallel to and with a minimum of ten (10) feet separation from water lines.
2. **Energy Gradient Line.** The energy gradient line shall be maintained whenever a smaller sewer joins a larger sewer. This shall be approximated by placing the 0.8 depth of both sewers at the same elevation (not considering head loss through the manhole).

I. Manholes.

1. **Locations.** Manholes shall be installed at the end of each line, at all changes in grade, size, or alignment, at all sewer main intersections, and at distances not

greater than four hundred (400) feet apart for sewers fifteen (15) inches in diameter or less, and not greater than four hundred fifty feet (450) apart for sewers eighteen (18) inches in diameter or larger.

2. **Manhole Diameter.** Four (4) foot diameter manholes shall be used for pipes up to eighteen (18) inch diameter. Five (5) foot diameter manholes shall be used for pipes twenty-one (21) inches in diameter and larger.
3. **Lamp Holes.** Lamp holes shall not be acceptable as a substitute for manholes.
4. **Drop Manholes.** Drop manholes shall not be used unless the invert elevations between the receiving pipe and the discharging pipe is more than twenty-four inches. Drop manholes shall utilize outside drop construction.
5. **Floor Troughs.** Floor troughs shall be furnished for all sewers entering manholes. A larger diameter manhole shall be utilized to properly construct floor troughs where the incoming sewer inverts are substantially higher than the outgoing sewer invert. At all manholes with a change of direction, a drop from entrance to outlet of at least 0.1 ft. shall be provided to account for head loss through the manhole. More drops may be required for sewer mains twelve inch and larger. Inverts shall be U-shaped to the pipe crown before sloping at a one to twelve (1:12) slope to the manhole walls.
6. **Public Works Construction and Material Specifications.** All manholes shall conform to the dimensions, construction details, materials, and testing requirements detailed in the City's Public Works Construction and Material Specifications.
7. **Corrosion Protection.** Where force mains discharge and on interceptors, corrosion protection is required unless otherwise directed by the City Engineer. When directed by the City, manholes shall be internally coated for corrosion protection in accordance with the standard construction specifications. All new and existing manholes receiving sewage from force mains shall have its interior epoxy lined in accordance with the City of Lakeland Public Works Construction and Material Specifications. Should the existing manhole not be suitable for epoxy lining, the manhole shall be replaced, and a new epoxy lined manhole shall be installed.
8. All manholes located in Area of Special Flood Hazards shall be flat top manholes and shall be a minimum of thirty-six (36) inches above the FEMA mapped Base Flood Elevations. All manhole ring and covers shall be watertight and meet specifications outlined by the City's Public Works Construction and Material

Specifications.

J. Service Connections.

1. **Wyes.** Service connections to any sanitary sewer shall be made only to a wye installed at the time of the sewer main installation or by machine tap and approved saddle appropriate to the main line sewer material. All connections to existing public sewers shall be made by a licensed plumber and approval must be obtained by the City. All wyes and service connections shall be made at the 10:00 or 2:00 position on the main.
2. **Watertight.** All connections and service lines shall be watertight.
3. **Uniform Plumbing Code.** All service connections shall be sized in accordance with the Uniform Plumbing Code.
4. **One Building Limit.** Only one residence, structure, or building shall be served by each lateral connected to the public or private main, unless as approved by the City.
5. **Commercial and Industrial Wastes.** Attention is directed to City's Municipal Code relative to the use of public sewers and the requirements for discharge of certain materials (pretreatment).
 - (1) **Inspection Manhole.** An inspection manhole or other suitable structure shall be required on the service line for any use other than normal domestic use.
 - (2) **Grease Interceptors.** In addition to the above, acceptable grease interceptors shall be required of all restaurants, food preparation centers, or for any other discharge containing oil and grease.
 - (3) **Sand and Oil Interceptors.** Acceptable sand and oil interceptors shall be provided for all car washes and similar facilities which may discharge sand or dirt to the sewer.

K. Roof or Foundation Drains. Under no circumstance shall roof drains, foundation drains, storm drains, or sub-drains be connected to the sanitary sewer system.

L. Townhouse Manifolds. Townhouse developments may use a "manifold" sewage collection system for service to individual properties if a valid Owners' Association exists among all property Owners. The "manifold" system is restricted to townhouse developments and shall conform to the following requirements:

1. **Owners' Association.** The "manifold" system shall be owned and maintained by a viable Owners' Association. The Owners' Association shall be responsible for the manifold to the point of connection with the sewer main.
2. **Four Unit Limit.** No more than four (4) privately- owned units shall be placed on

any “manifold.”

3. **Location.** The “manifold” shall be located at the back side of the front Lot utility Easement.
4. **Header Pipe.** The common header pipe to the main shall be six (6) inches in size and shall be provided with cleanouts at the ends and at all bends.
5. **Uniform Plumbing Code.** The “manifold” shall meet all requirements of the Uniform Plumbing Code as adopted by the City. The inspection of the “manifold” beyond the sewer main shall be accomplished by the Plumbing Inspector.

2.5. SEWAGE LIFT STATIONS AND SEWER FORCE MAINS

A. **General Requirements.** All sewage lift stations shall be designed to meet the following requirements.

1. **Adjacent Areas.** All sewage lift stations shall be designed to carry the design flows from all contiguous or adjacent areas that may within a reasonable period in the future be tributary thereto. Contiguous or adjacent areas to be included in the design, and the tributary population to be provided for shall be subject to approval by the City.
2. **State Requirements.** Design of the sewage lift station shall conform to the requirements contained in the latest version of the Tennessee Department of Environment and Conservation Sewer Design Guidelines.
3. Sewage lift stations and sewer force mains shall be installed in public rights of way or in dedicated public Easements. Sewage Lift Stations areas shall be the footprint of the lift station plus twenty feet (20) on all sides.
4. Sewage lift stations shall be placed on reinforced concrete pads designed to withstand the weight and operational characteristics of the pumps.
5. Sewage lift stations shall be fenced on all sides with eight (8) foot high fencing. A gate suitable for vehicular traffic shall be installed on one side of the lift station. Fencing shall be a neutral color and blend into the surrounding area. Fencing shall be of a durable exterior coating of neutral colors. Chain Link fencing is not permitted. Sewage lift stations shall have a minimum of 15 feet of clearance surrounding the pump and wet well for maintenance equipment access.

B. **Sewage Lift Stations.**

1. **Total Dynamic Head.** The total dynamic head rating of pumping units shall be based on pipe friction, pressure losses from piping entrances, exits,

appurtenances (bends, valves, etc.), and static head at the rated flow.

2. **Design Conditions.**

- (1) **Grit.** Where no grit removal is provided ahead of the pumping station, equipment and piping design shall minimize the deleterious effects of grit in the sewage.
- (2) **Screening.** Screens or comminutors shall be provided ahead of pumps where the average daily flow is more than one (1.0) mgd (3,784 m³/d) to prevent solids larger than two and a half (2 1/2) inches (6.4 cm) from entering the pump.
- (3) **Minimum Pump Opening.** Except for grinder pumps, raw sewage pumps shall pass spheres of at least three (3) inches (7.6 cm) in diameter. Pump suction and discharge piping in all sewage and sludge services shall be no smaller than four (4) inches in diameter (10 cm).
- (4) **Pump Cycle Time.** Intermittently operated pumps shall be designed to start no more often than once every ten (10) minutes at the minimum operating interval.
- (5) **Removal of Equipment.** Pumping stations shall be designed to permit removal of all items of equipment including pumps, valves, electrical, and control equipment. Equipment located in wetwells shall be removable without entering the wetwell.
- (6) **Surge Control.** Piping systems shall be designed to withstand the maximum possible surge (water hammer) from the pumping station, or adequate surge control provided to protect the piping. Pressure relief valves are not acceptable surge control.
- (7) **Net Positive Suction head.** Pumps shall be selected so that the net positive suction head required at maximum flow (NPSHR) is less than the NPSH available minus four (4) feet (1.2 m) based on the hydraulic conditions and altitude of the lift station.
- (8) **Uplift.** The pumping station chambers shall resist hydrostatic uplift pressures.

3. **Siting requirements.**

- (1) **Access.** Pumping stations shall be located so that they are readily accessible to operating and maintenance personnel always of day or night, and under all weather conditions. Pumping stations shall be located off traffic ways.
- (2) **Flood Protection.** Pumping stations shall be designed so there is no

equipment or structural damage in the one hundred (100) year flood, and so the pumping station's operation is uninterrupted by the twenty- five (25) year flood.

- (3) **Security.** The pumping station shall be designed to discourage unauthorized entry.

4. **Pumping Station Types.**

(1) **Dry wells.**

- i. **Access.** Pumping station dry wells and equipment rooms shall be accessible for equipment inspection, operation, and maintenance. Ladder and stair dimensions, locations of landings, and structural design shall comply with the Tennessee OSHA. Equipment shall be removable from pumping stations without making structural changes to the station.
 - ii. **Separation from Wetwell.** Dry wells and equipment rooms shall be completely separated from wetwells with no hatches, untrapped drains, or other connecting access ways.
 - iii. **Dewatering.** Dry pits and below-grade equipment rooms shall be provided with sump pumps sized to remove infiltration of water during normal seepage and leakage.
- (2) **Wetwell Design.** Wetwells shall be designed to prevent vortexing and unstable pump operation. Pumps shall be located below the minimum water level, except suction lift pumps. Suction intakes shall be bell- mouthed. Provisions shall be made for isolating, bypassing and/or dewatering portions of the wetwell for maintenance. Hopper walls of wetwells shall be sloped at no less than 1.75 vertical to 1 horizontal.
- (3) **Submersible pumping stations.** Submersible pumping stations shall be designed specifically for totally submerged operation and so that pumps may be readily removed from the wetwell without dewatering the wetwell or disconnecting piping in the wetwell.
- i. Submersible pumps shall have an adequate means of indicating motor seal failure.
 - ii. Electrical equipment shall be suitable for Class 1, Division 1, Groups C and D hazardous environments, as defined in the National Electrical Code.
- (4) **Suction Lift.** Pumping stations utilizing suction lift pumps shall have adequate priming means to prime the pumps quickly and shall be designed for priming the pumps when the water level in the wetwell is one (1) foot (0.3

m) below the lead pump starting elevation in the suction wetwell, and for maintaining prime when the wetwell level is one (1) foot (0.3 m) below the lead pump stopping level. Valving shall not be in the wetwell.

(5) **Pneumatic Ejectors.** Pneumatic ejectors shall not be permitted by the City unless authorized by the Board of Sewerage Commissioners.

(6) Bypass Valves shall be installed for all pumps along with a spare parts kit.

5. **Air Release.** Air release valves shall be provided at the high points in piping whenever the pipe crown elevation falls below the pipe invert elevation. On sewage lines, air or air and vacuum release valves shall be specifically designed for sewage service.

6. **Reliability.**

(1) **Multiple units.** Every pumping station shall have not less than two (2) pumping units. The number of units and their size shall be sufficient to permit pumping the maximum design flow with the largest pumping unit out of service.

(2) One of the following shall be provided:

i. **Alternative power source.** Where the pumping station serves more than one hundred fifty (150) residential units (or equivalence), permanently installed or portable engine driven pumps or a separate, independent utility source provided. Where annual starting is required, sufficient storage shall be provided to allow notifying the operator and performing whatever tasks are necessary to get the pumping station in service. Where permanently installed engine-driven equipment is provided, sufficient fuel shall be provided for at least eight hours' operation under the maximum flow condition. Where more than one pumping station is affected by a power outage and portable equipment is planned for alternative power source, sufficient portable equipment shall be provided to provide alternative power to all pumping stations under maximum flow conditions.

ii. **Generators.** Generators shall be sized to permit starting the largest pump in the pumping station with all other pumps except one running. If the generator is not capable of starting all pumps simultaneously, suitable controls shall be provided to stagger the pump starts to remain within the capabilities of the equipment. Generators shall be diesel- fired, natural gas-fired or bottled gas-fired. The use of gasoline or digester gas-fired generators for permanently installed standby service is unacceptable.

Gasoline-fired or diesel portable generators are acceptable.

- iii. **Engine driving pumps.** Engine driven pumps shall be sized for maximum design flow. Diesel, natural gas, and bottled gas are acceptable fuels for portable engines only. Digester gas is unacceptable for standby fuel. Quick connecting couplings shall be provided for portable engine driven pumps.
 - iv. **Storage.** Wastewater storage may be provided in the form of underground storage or surface ponds or tanks in lieu of alternative power supplies. Storage shall be sized for the maximum anticipated power outage, but not less than twenty-four (24) hours at average design flow. Storage shall be watertight and arranged to drain back to the pumping station wetwell.
7. **Electrical.**
- (1) **Equipment Location.** All electrical equipment, including motors, motor starters, and controls shall be located to be undamaged by the one hundred (100) year flood.
 - (2) **Controls.** Controls shall include a separate start/stop device for each pump or for each pumping position in the control sequence. Controls shall be arranged so that the failure of any one control system component will affect only the operation of one pumping unit. Manual override shall be provided for normal pump operating control.
 - (3) **Code requirements.** All electrical work shall comply with the National Electrical Code as adopted and amended by the local codes.
 - (4) **Alarms.** An alarm system shall be provided for each pumping station. As a minimum, alarms shall include high wetwell level and highwater level in the dry well. The alarm system shall be compatible with the existing alarm system installed by the City of Lakeland.
8. **Safety.**
- (1) **Ventilation.** All accessible pumping station areas shall be ventilated. Ventilation may be continuous or intermittent. If intermittent, ventilation in areas normally visited by operating personnel shall be started automatically at not greater than thirty (30) minute intervals. Permanently installed dry well ventilation shall provide at least six air changes per hour if continuous, and twelve (12) air changes per hour if intermittent. Permanently installed wetwell ventilation shall provide twelve (12) complete air changes per hour if continuous, and thirty (30) complete air changes per hour if intermittent. Wetwell ventilation shall be positive pressure, forcing air into the wetwell

rather than exhaustion from it. All ventilation equipment shall be of a non-sparking design. Intermittent ventilating equipment shall insure starting upon entry of operating personnel. Wetwells may be ventilated by gravity means if normal access by operating personnel is unnecessary. Wetwells that are accessed infrequently shall be designed to permit the use of portable blowers that shall exhaust the space and continue to supply fresh air during access periods.

- (2) **Hoists.** Where required for removing equipment, hoists shall be rated for not less than fifty (50) percent more than the weight of the heaviest single item to be lifted by the hoist.
- (3) **Lighting.** Lighting levels shall be sufficient to permit safe operation and maintenance of all equipment within the pumping station, but not less than thirty (30) foot candles. All areas shall be lit in such a manner that the failure of one lighting fixture or lamp shall not cause the area to be completely dark.
- (4) **Equipment Guards.** Provide shields to protect from rotating or moving machinery.
- (5) **Warning Signs.** Provide warning signs for non-potable water, electrical hazards, chemical hazards, or other unsafe features. Warning signs shall be permanently attached to the structure or appropriate equipment.

C. Force Mains

- 1. **Depth.** Force mains shall be located a minimum of forty-eight (48) inches to the top of the pipe.
- 2. **Size.** Force mains shall be four (4) inches (10 cm) diameter or greater.
- 3. **Velocity.** Minimum velocity shall be 2.5 fps. Maximum velocity shall be ten (10) feet per second.
- 4. **Air Release.** Air release facilities shall be provided at the high point in the piping whenever the pipe crown elevation falls below the pipe invert elevation. Access to air release manholes shall not be in traffic-ways.
- 5. Pipe Materials to be used for force mains shall meet City's Public Works Manual and Material Specifications.
- 6. **Force Main Easement Width.** Easements outside the street Rights-of-Way force mains shall be at least twenty (20) feet in width. No other private utilities or related items (sprinkler systems, buildings, electric cables, etc.) shall be installed in the Easement unless approved by the City.
- 7. Ball valves shall be placed on a new force main connecting to the existing Canada

Road force main and/or in locations of 1,300 lineal feet with a pipe diameter of four (4) inches and 900 lineal feet with a pipe of six (6) inches or more in diameter.



IV.3

3. STORMWATER MANAGEMENT

3.1. GENERAL REQUIREMENTS

- A. **Intent.** This Section is intended to promote the protection of the City's natural environment, including drainageways, soils, topography, open water, and landscape, address the non-point source pollution aspects of the federal Clean Water Act, and to encourage the integration of stormwater management with the design of the built environment. The application of these standards shall serve the following goals.
1. Prevent or reduce erosion and flood damages.
 2. Control runoff pollutants and improve water quality.
 3. Protect aquatic and riparian habitat.
 4. Recharge groundwater.
 5. Preserve the natural and beneficial functions of watercourses streams, lakes, wetlands, Areas of Special Flood Hazard, and flood prone areas.

3. Stormwater Management	558
3.1. General Requirements	558
3.2. General Design Principles.....	560
3.3. Design Standards.....	562

6. Simplify and reduce long-term maintenance obligations through better design.
- B. **Authority.** This Section is part of the Engineering Standards. Any modification from the requirements of these regulations requires a Subdivision Modification approval.
- C. **Applicability.** The stormwater management standards of the Engineering Standards are intended to apply to any development site included within an application for Preliminary Plat, Construction Plans, or Final Plat, that is greater than or equal to the size of Development, Redevelopment, or Land Disturbance indicated in Title 18, Chapter 6, Section 18-603 of the Lakeland Code, Storm Water Management and Pollution Control Ordinance.
- D. **Stormwater Management Plan.** A Stormwater Management Plan is required for applicable developments in this Section. The Stormwater Management Plan shall include, at a minimum, the following items.
1. **Soils Report.** Soils report based on Natural Resource Conservation Service Soils mapping and corresponding hydrologic soils groups. Include typical infiltration rates for each soil type. Map areas available and unavailable for stormwater infiltration.
 2. **Existing Infrastructure Features.** Location of existing infrastructure features such as but not limited to culverts, bridges, box culverts, detention ponds, and other downstream improvements within five hundred (500) feet of the proposed development.
 3. **Proposed Natural Drainage Features.** Proposed natural drainage features and man-made structures necessary to meet the standards of these Engineering Standards and other applicable stormwater requirements and standards.
 4. **Existing Systems.** Identify all existing drainage basins, associated wet weather conveyance systems, and blue line streams as identified on USGS mapping or defined in a jurisdictional determination.
 5. **Delineated Drainage Areas.** Delineated drainage areas for each of the proposed drainage features and structures.
 6. **Overland flow paths.**
 7. **Utility Easement locations.**
 8. **Stormwater Report.** A stormwater report describing the existing and proposed stormwater management system, and the hydrologic and water quality analysis used to document conformance with these Engineering Standards and other applicable stormwater requirements and standards.
- E. **Inspection and Maintenance Agreement for Private Stormwater Management Facilities.** An Inspection and Maintenance Agreement shall be prepared for the

private stormwater management facilities and will be recorded at the same as the development plat. Modification of stormwater management systems, other than as necessary to maintain compliance with the agreement, is not permitted.

1. The Agreement shall include, at a minimum, the following items.
 - (1) The Stormwater Management Plan.
 - (2) Inspection and maintenance tasks, including routine mowing, litter control, brush and vegetation control, and erosion and sediment control.
 - (3) A description of the dedicated sources of funding for the required maintenance and yearly estimates for the maintenance.
 - (4) Responsible parties for all maintenance.
 - (5) All items indicated in the Lakeland Storm Water Management and Pollution Control Ordinance.
2. **Vegetation Management.** Naturally landscaped areas of detention and drainage facilities shall be maintained as Natural Landscape Areas. The Natural Landscape Areas provisions of the Lakeland Zoning Ordinance, Article III.5, Landscape Standards, as may be amended, are duplicated and incorporated by reference as part of the Engineering Standards. These areas shall be maintained via controlled burning every year, to control invasive weeds and promote healthy native vegetation. Where controlled burning is not feasible, mowing or other vegetation management measures shall be performed.

3.2. GENERAL DESIGN PRINCIPLES.

- A. Design and construction of stormwater management systems shall conform to all specifications and procedures established by the City by code, ordinance, or policy.
- B. **Treat Stormwater as a Valuable Resource.** All stormwater shall be treated as a valuable resource not as a waste product. Stormwater shall be collected, stored, and reused to reduce surface water runoff.
- C. **Replicate Natural Hydrology.** The stormwater management system shall replicate the pre- development natural hydrology of the site, protecting natural drainageways, following the natural topography of the site, and preserving the natural infiltration characteristics of the site.
- D. **Treat Stormwater Where It Falls.** All stormwater shall be managed close to where it falls on the site, reducing the need for lengthy, single purpose conveyance.
- E. **Minimize Discharge.** The system shall minimize surface water discharge in smaller, more frequent rainfall events, and minimize the downstream impact of larger, more

intense rain events which are far less frequent.

- F. **Integrate Stormwater and Open Space.** All stormwater management systems shall be an integral part of the neighborhood design and the open space design within the neighborhood and shall serve the dual function of naturally managing the stormwater and creating usable open space. Applicable open space types of the Lakeland Zoning Ordinance are incorporated by reference into these Engineering Standards, and an applicable open space type shall be utilized.
- G. **Integrate with Natural Resource Management.** The location and design of the stormwater management system shall be closely integrated with the City's Natural Resource Inventory and Assessment, to maintain and enhance the City's natural areas, including respecting the unique geology, soils, landscape cover, slopes, and long-term maintenance objectives of Conservation Areas.
- H. **Stormwater Sewer System.** Stormwater sewer systems shall be utilized as needed to convey heavy rainfall events beyond the requirements defined in herein, and at locations where naturalized stormwater treatment is infeasible.
- I. **System Design Hierarchy.** The design of the stormwater management system for all sites shall use the following hierarchy of methods of managing stormwater.
 - 1. **Natural Resource Conservation.** Preserve and do not negatively affect natural resource features of the development site, including wetlands, open water, and woodlands.
 - 2. **Existing Natural Drainageways.** Preserve and do not negatively affect existing natural streams, channels, and drainageways.
 - 3. **Vegetated Swales.** Primarily utilize open, vegetated Swales to convey stormwater runoff.
 - 4. **Natural Infiltration.** Preserve the natural infiltration and storage characteristics of the site.
 - 5. **Water Quality Structures.** As needed, utilize structural measures that provide water quality and quantity control.
 - 6. **Structural Conveyance.** Utilize structural measures that provide only quantity control and conveyance in instances where vegetated Swales and natural infiltration are infeasible.

3.3. DESIGN STANDARDS.

- A. **Design of Stormwater Facilities.** Minimum design standards for stormwater facilities shall follow the Memphis Shelby County Stormwater Design Manual, the City of Lakeland Engineering Standards, and the Lakeland Storm Water Management and Pollution Control Ordinance, whichever is the more stringent. Detention Volumes and Maximum Release Rates are specified below.
- B. **Maximum Release Rate.** The release rate from any detention facility shall be for the site for the same storm prior to the proposed development. The peak outflow rate from the 2 year-24-hour storm, 10 year- 24-hour storm and 25 year-24-hour storm shall not exceed that of the site prior to development. Detention facilities shall have a primary discharge structure capable of accommodating the 24-hour storms up through the 25-year with an emergency overflow capable of handling at least the 100-year, 24- hour post-development discharge unless waived by the Planning Commission.
- C. **Storm Sewer Design Requirements.** Design storm frequency for land use/development type for storm sewer systems shall be as follows:
1. Residential - 25 years.
 2. Commercial/business/industrial - 25 years.
 3. For drainage swales, lined channels, and natural channels the system shall be designed to carry the 100 year 24-hour storm with 1' of freeboard and have the capacity to convey storm runoff without life hazard or property damage. The methodology for hydrologic and hydraulic design calculations for the pre-development and post- development conditions for the design storms is specified in the Memphis Shelby County Stormwater Design Manual.
- D. **Existing Water Features.** Existing streams, lakes, and wetlands shall not be modified for use as stormwater detention or retention.
1. On-stream impoundments shall be prohibited.
 2. **Stream Buffer Requirements.** Refer to the *Section IV.4 Streamside Management Buffers*. No stormwater management facilities shall be located within streamside buffers, nor shall they be detrimental to such buffers, unless a plan with appropriate mitigation is authorized by the MPC.
 - (1) In general, stream buffers shall be maintained a minimum of 60 feet from the top of bank of the stream on either side of the stream.
 - (2) No permanent structures or operational facilities shall be constructed within the stream buffer, such as but not limited to:
 - i. Buildings or any structure requiring a footing (i.e.: fence)

- ii. Parking lots
 - iii. Underground utilities and/or infrastructure
 - iv. Trails or sidewalks where the existing slopes within the buffer are naturally greater than three (3) percent.
- (3) The City reserves the right to review individual requests that do not conform to code.
3. **Drainage to Lakes and Wetlands.** Site drainage patterns shall not be substantially altered to decrease or increase the tributary area to lakes or wetlands.
4. Existing wetlands shall not be used as stormwater detention basins.
5. Existing wetlands shall not be modified for the purposes of stormwater management facilities unless it is demonstrated that the existing wetland is low in quality and the proposed modifications shall maintain or improve its habitat and ability to perform beneficial functions.
- (1) Low quality wetlands are those that have been substantially disturbed, usually reflected in low native species diversity and habitat quality.
 - (2) All runoff shall be pretreated prior to discharge and the runoff shall enter the wetland as subsurface flow.
- E. **Easement Standards.** Easements and/or Rights-of- Way for stormwater facilities shall be of sufficient width to permit installation, maintenance, or repair within the confines of the Easement or Right-of- Way without relocation of or other unreasonable interference with other public utilities. Easements shall be granted to the City of Lakeland or another party defined in the Inspection and Maintenance Agreement as the party responsible for maintenance. Refer to *Section IV.2 Utility Standards*.
- F. **Stormwater detention.**
- 1. Surface basins shall be designed as naturalized basins for multiple uses including stormwater detention, habitat enhancement, and passive recreational use as possible. Basins shall not be designed solely for stormwater detention purposes.
 - (1) Stormwater basin design shall follow the *City of Memphis/Shelby County Stormwater Management Manual*.
 - (2) Stormwater basins shall be designed and incorporated into a usable Open Space Type, accessible and open to the public (refer to *Section III.2 Open Space Type Standards*).
 - (3) Basins shall be planted with native or vegetation adapted to the area, suitable for the hydrologic conditions expected within the volume level of the basin to accommodate the two (2) year storm.

- (4) Water level fluctuation between normal and high- water level shall not exceed eighteen (18) inches for the 2-year design event and shall not exceed five (5) feet for the 100-year design event.
 - (5) If fish are to be supported, at least twenty-five (25) percent of the permanent pool of water shall be a minimum of ten (10) feet in depth.
 - (6) Detention outlet structures shall be located a minimum of six (6) inches above the seasonal high groundwater table to promote infiltration and to improved stormwater residence time.
 - (7) Detention inlet and outlet structures shall be located at opposite ends of the basin to maximize water quality benefits where possible.
 - (8) Maximum height of the face of any Retaining Walls utilized shall not exceed twenty-four (24) inches above grade to minimize the visual impact and the need for fencing.
 - (9) For wet detention basins, water entry slopes between one (1) foot above and one (1) foot below shall not exceed ten to one (10:1) to minimize shoreline erosion. Shallow entry angles will improve water quality treatment and increase aquatic habitat.
 - (10) The basin shall be at least one hundred (100) feet away from any water supply wells.
 - (11) The top of the basin shall be at least ten (10) feet away from foundations and associated granular backfill unless measures approved by the City Engineer are taken to prevent leakage to foundation drains.
 - (12) Wet detention basins shall include a fountain to reduce excessive algae growth, aerate the water to reduce foul odors, and reduce mosquito activity. The Stormwater Plans shall consist of documentation that proves the fountain and associated pump are of adequate size for the size and shape of the detention basin in which they are being installed.
2. **Parking Lots.** Parking Lots may be utilized to detain or retain water with the following requirements.
- (1) **Maximum Depth.** The maximum allowable depth of standing water at any time in parking Lots shall be six (6) inches at the curb line and one (1) inch in the drive lane.
 - (2) The following landscape and infiltration treatments may be utilized within parking lots along the edges of the parking area and within parking islands and medians to achieve the stormwater standards.

- i. Infiltration bio-swales.
 - ii. Vegetated Swales.
 - iii. Vegetated filter strips.
 - iv. Infiltration basins or trenches.
 - v. Sand filters.
 - vi. Other similar measures designed to filter, retain, and infiltrate runoff, approved by the City Engineer.
- (3) Below grade stormwater storage and permeable paving practices are permitted.

G. **Redevelopment and development sites** shall meet local, State, and NPDES construction erosion and sediment control requirements.



IV.4

4. STREAMSIDE MANAGEMENT BUFFERS

4.1. GENERAL REQUIREMENTS

A. **Intent.** It is the intent of this Section to establish a Streamside Management Buffer to restrict development and limit land use adjacent to all perennial streams and rivers in Lakeland. The purposes of the Streamside Management Buffer are to protect public and private water supplies, to trap sediment and other pollutants in surface runoff, to promote bank stabilization, to protect riparian wetlands, to minimize the impacts of floods, to prevent increases or decreases in base flow, to protect wildlife habitat, and to generally maintain water quality. The quality of the groundwater that is used for drinking, agricultural and

4. Streamside Management Buffers.....	566
4.1. General Requirements.....	566
4.2. Boundary Determination	570
4.3. Streamside Management Buffer Use and Regulations.....	571
4.4. Design Standards for Streamside Management Buffer .	572
4.5. Streamside Management and Maintenance	574
4.6. Plan Requirements and Administration	577
4.7. Exceptions and Variances....	579
4.8. Enforcement.....	582
4.9. Severability	582

industrial purposes in the City of Lakeland and Shelby County, Tennessee, is connected with the quality of the surface water in the streams and rivers of Lakeland. Furthermore, the Board of Commissioners finds that the protection of the streams and rivers of Lakeland is vital to the health, safety and welfare of its citizens.

B. Applicability. This Article shall apply to the following:

1. This Article shall apply to all proposed development except for that development which meets variance criteria as outlined in this Article.
2. This Article is intended to modify the location of new development in relation to streams and other water resources but not to modify its overall density. The provisions here shall apply to the construction of any building or any land disturbance resulting from or in connection with any activity or use requiring any of the following:
 - (1) Building Permit
 - (2) Board of Zoning Appeals (Variance)
 - (3) Special Exception approval
 - (4) Subdivision/Planned Development/Site Plan approval
 - (5) Grading Permit/Land Disturbance Permit.
3. This Article shall apply to all timber harvesting activities, except those timber harvesting operations which are implementing a forest management plan that has been deemed to be in compliance with this Article.
4. This Article shall apply to surface mining operations except that the design standards shall not apply to active surface mining operations that are operating in compliance with an approved surface mining permit issued by the State of Tennessee.
5. Except as provided in this Article, this Article shall apply to all parcels of land, structures, and activities that are causing or contributing to:
 - (1) Pollution, including nonpoint source pollution, of the waters of the State of Tennessee
 - (2) Erosion or sedimentation of stream channels
 - (3) Degradation of aquatic or riparian habitat
6. The standards and regulations set forth in this Article are created under the authority of the City of Lakeland's zoning powers granted by Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of the City of Lakeland. In the event of a conflict between or among any provision of this Ordinance, or any other ordinances of the

City of Lakeland, the requirement that is most restrictive and protective of water quality shall apply.

C. **Definitions.** For the purposes of this Section, the terms below have the following meaning:

1. **Active Channel.** The area of the stream channel that is subject to frequent flows (approximately once per one- and one-half years), and that includes the portion of the channel below where the floodplain flattens.
2. **Best Management Practices (BMP's).** Conservation practices or management measures which control soil loss and reduce water quality degradation caused by nutrients, animal wastes, toxins, sediment, and runoff.
3. **Buffer.** A vegetated area, including trees, shrubs and herbaceous vegetation, which exists or is established to protect a stream system. Alteration of this natural area is strictly limited.
4. **Development.** (1) The improvement of property for any purpose involving building; (2) Subdivision, or division of a tract or parcel in to two (2) or more parcels; (3) the combination of any two or more lots, tracts, or parcels of property for any purpose; or (4) the preparation of land for any of the above purposes
5. **Existing Land Use.** A land use which, prior to the effective date of this Ordinance, is either:
 - (1) Completed; or
 - (2) Ongoing, as in the case of agricultural activity; or
 - (3) Under construction; or
 - (4) Fully approved by the governing authority; or
 - (5) The subject of a fully completed application, with all necessary supporting documentation, which has been submitted for approval to the governing authority or the appropriate government official, for any construction-related permit.
6. **Impervious Surface.** Any paved, hardened, altered or structural surface which does not allow for complete on-site infiltration of precipitation. Such surfaces include but are not limited to buildings, driveways, streets, parking lots, graded land, swimming pools, dams, tennis courts, and any other structures that meet the above definition.
7. **Land Disturbing Activity.** Any grading, scraping, excavating, or filling of land, clearing of vegetation and any construction, rebuilding or significant alteration of a structure.

8. **Non-Point Source Pollution.** Pollution which is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than direct discharge.
9. **Protected Area.** Any land and vegetation that lies within the Streamside Management Buffer, as defined herein.
10. **Second Order Stream or Higher.** Any stream that is formed by the confluence of two or more other streams, as indicated by solid or dashed blue lines on the United States Geologic Survey 7.5-minute quadrangle maps of the most recent edition (see Exhibit "A" attached herein).
11. **Stream or River.** All of the following:
 - (1) Any perennial stream or river (or portion thereof) that is portrayed as a solid line on a United States Geologic Survey 7.5-minute quadrangle map of the most recent edition; and
 - (2) Any intermittent stream or river (or portion thereof) that is portrayed as a dashed line on a United States Geologic Survey 7.5-minute quadrangle map of the most recent edition; and
 - (3) Any other stream as may be identified by the Tennessee Department of Environment and Conservation through the Jurisdictional Determination Concurrence.
12. **Stream Bank.** The uppermost limit of the active stream channel, usually marked by a break in slope.
13. **Stream Channel.** Part of a watercourse either naturally or artificially created which contains an intermittent or perennial base flow of groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:
 - (1) Hydrophytic vegetation, hydric soil or other hydrologic indicators in the area(s) where groundwater enters the stream channel, in the vicinity of the stream headwaters, channel bed of channel banks; or
 - (2) Flowing Wetters not directly related to a storm event; or
 - (3) Historical records of a local high groundwater table, such as well and stream gauge records maintained by local, state or federal authorities.
14. **Streamside Management Buffer or "SMB".** An overlay zone that encompasses all land within a minimum of fifty (50) feet on either side of all streams in the City of Lakeland, measured as a horizontal line extending perpendicular from the top

of the stream bank.

15. **Substantial Improvement.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structures either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:
 - i. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - ii. Any alteration of a structure listed on the national Register of Historic Places.

16. **Top of Bank.** The stage or elevation at which water overflows the natural banks of streams or other waters of the State and begins to inundate upland areas. In the absence of physical evidence, the two (2) year recurrence interval flood elevation may be used to approximate the "bank full stage" or delineate the top of bank.

4.2. BOUNDARY DETERMINATION

A. **City Engineer to Determine Boundary.** The City Engineer shall be responsible for determining the location of the Streamside Management Buffer based on the criteria below. The Streamside Management Buffer shall receive final approval and documentation by the Planning Commission as part of the Site Plan Approval process. An applicant shall provide all necessary plans, maps, and other supplemental information as required by the City Engineer to make such determination.

B. **Planning Commission Approval.** The Planning Commission shall review the information provided by the applicant along with the recommendation of the City Engineer and either approve, approve with conditions, or disapprove citing the reasons for such disapproval.

1. **Appeal of Planning Commission Determination.** Any party aggrieved by the decision of the Planning Commission as to the boundaries of the Streamside

Management Buffer or the conditions placed upon it may appeal such decision in writing to the Board of Commissioners. The Board shall hear the appeal and render its decision to approve, approve with conditions, or disapprove the boundaries and related conditions pertaining thereto. The decision of the Board of Commissioners shall be final.

4.3. STREAMSIDE MANAGEMENT BUFFER USE AND REGULATIONS

- A. **Streamside Management Buffer District.** The Streamside Management Buffer (hereinafter referred to as "SMB") is an overlay buffer zone that encompasses all land within sixty (60) feet unless additional buffer is required due to the size of the drainage basin served by the stream in the City of Lakeland. The SMB shall be measured as a horizontal line extending perpendicular from the top of the stream bank immediately adjoining the subject parcel(s). The SMB must be maintained in a naturally vegetated state. Any property or portion thereof that lies within the SMB is subject to the restrictions of the SMB as well as any and all zoning restrictions that apply to the tax parcel as a whole.
- B. **Distinct Sections within Streamside Management Buffer.** The Streamside Management Buffer shall comply with the Tennessee Department of Environment and Conservation, which states an average 60-foot-wide natural riparian buffer zone be preserved directly adjacent to the receiving stream. The SMB shall be composed of two distinct zones, with each zone having its own set of allowable uses and vegetative targets as specified in this Article.
1. **Zone 1. Streamside Section**
 - (1) The function of the streamside section is to protect the physical and ecological integrity of the stream ecosystem.
 - (2) The streamside section will begin at the top of the stream bank of the active channel and extend a minimum of thirty (30) feet from the top of the bank and shall comply with Tennessee Department of Environment and Conservation.
 - (3) No uses shall be allowed within the streamside section.
 - (4) The vegetative target for the streamside section is undisturbed native vegetation.
 2. **Zone 2. Outer Section**
 - (1) The function of the outer section is to protect key components of the stream,

to prevent encroachment into the SMB, filter runoff from residential and commercial development, and to provide transition between upland development and the streamside section.

- (2) The outer section will begin at the outer edge of the streamside section and extend a minimum of thirty (30) feet plus any additional streamside management buffer width as specified in *Section IV.4.4(A) Design Standards for Streamside Management Buffer*.
- (3) There shall be no septic systems, permanent structures or impervious cover, with the exception of paths, within the outer zone.
- (4) Allowable uses within the outer section are restricted to:
 - i. Biking or footpaths; or
 - ii. Stormwater management facilities, with the approval of the City Engineer; or
 - iii. Recreational uses as approved by the Planning Commission; or
 - iv. Limited tree clearing with approval from the Planning Commission.
- (5) The vegetative target for the outer zone may vary, although planting of native vegetation adapted to the region should be encouraged to increase the cover within this zone.

4.4. DESIGN STANDARDS FOR STREAMSIDE MANAGEMENT BUFFER

A. Design Standards for Streamside Management Buffer.

1. A streamside management buffer for a stream system shall consist preferably of a dense, native, deep-rooted, ground- plain vegetation along with open grown large, overstory forest trees planted no closer than 40 feet on center of land extending along both sides of a stream and its adjacent wetlands, floodways or slopes. The streamside management buffer width shall be adjusted to include contiguous sensitive areas, such as steep slopes or erodible soils, where development or disturbance may adversely affect water quality, streams, wetlands or other water bodies.
2. The streamside management buffer shall begin at the top edge of the stream bank.
3. The required width for all streamside management buffer(s) (i.e., the "base buffer width") encompassing both Zone 1 and Zone 2 as more fully described below shall be a minimum of sixty (60) feet, with the requirement to expand the streamside

management buffer depending on stream order, size of drainage basin, percent slope, floodway, and wetlands or critical area considerations as provided for in this Article.

4. In third order and higher streams, twenty-five (25) feet shall be added to the base buffer width.
5. Streamside management buffer width shall be modified to account for steep slopes. In those cases, the streamside management buffer width will be adjusted in accordance with *Table IV.5.1 Additional Streamside Management Buffer Width Requirements for Both Sides of Streams with Steep Slopes*.
6. Streamside management buffers shall be extended to encompass the entire floodway and a buffer with a minimum of fifty (50) feet beyond the edge of the floodway.
7. Streamside management buffers shall be modified to account for the size of the drainage basin the stream is serving. In those cases, the streamside management buffer width will be adjusted in accordance with *Table IV.5.2 Additions Required to Streamside Management Buffer (SMB) Based on Drainage Basin Size*.
8. When wetland or critical areas extend beyond the edge of the required streamside management buffer width, the streamside management buffer shall be adjusted so that the buffer consists of the extent of the wetland plus a twenty-five (25) foot buffer extending beyond the wetland edge.

Table IV.5.1 Additional Streamside Management Buffer Width Requirements for Both Sides of Streams with Steep Slopes.

Percent Slope	Additional Width Added to SMB
15% - 17%	10 feet
18% - 20%	30 feet
21% - 23%	50 feet
24% - 25%	60 feet

Table IV.5.2 Additions Required to Streamside Management Buffer (SMB) Based on Drainage Basin Size*.

Basin Size	Additional Width Added to SMB
0 to less than 32 acres	No additional buffer width required
32 acres to less than 160 acres	Add 25 feet to Zone 1
160 acres to less than 320 acres	Add 50 feet to Zone 1
320 acres or greater	Add 75 feet to Zone 1

**Note: See also Table IV.5.1 Additional Streamside Management Buffer Width Requirements for Both Sides of Streams with Steep Slopes, which may require further additions to the SMB.*

B. Water Pollution Hazards. The following land uses and/or activities are designated as potential water pollution hazards, and must be setback in addition to the streamside management buffer base width from any stream or water body by the distance indicated below:

1. Storage of hazardous substances - (500 feet)
2. Above ground or underground petroleum storage facilities - (500 feet)
3. Drain fields from onsite sewage disposal and treatment systems (i.e. septic systems) - (250 feet)
4. Raised septic systems - (250 feet)
5. Solid waste landfills or junkyards - (500 feet)
6. Confined animal feedlot operations - (500 feet)
7. Subsurface discharges from a wastewater treatment plant - (250 feet)
8. Land application of biosolids - (250 feet)

4.5. STREAMSIDE MANAGEMENT AND MAINTENANCE

A. Management Practices in Streamside Management Buffer.

1. The streamside management buffer, including wetlands and floodways, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources. The following practices and activities are restricted within Zones 1 and 2 of the SMB, except with approval by the Planning Commission:
 - (1) Clearing of existing vegetation except for clearing, cutting, or prescribed

burning associated with an approved buffer management plan or practice and/or at the recommendation or approval of the City Engineer. Where prescribed burning of the buffer vegetation is not allowed and/or not feasible annual cutting shall be performed.

- (2) Soil disturbance by grading, stripping, or other practices
 - (3) Filling or dumping
 - (4) Drainage by ditching, underdrains, or other systems
 - (5) Use, storage, or application of pesticides and herbicides except for spot application of noxious weeds or non-native species consistent with recommendations of the City Engineer.
 - (6) Housing, grazing, or other maintenance of livestock.
 - (7) Storage or operation of motorized vehicles, except for maintenance and emergency use approved by the City Engineer.
2. The following structures, practices, and activities are permitted in the SMB, with specific design or maintenance features, subject to the review and approval of the City Engineer and Planning Commission:
- (1) **Roads, bridges, paths, and utilities:**
 - i. An analysis needs to be conducted to ensure that no economically feasible alternative is available.
 - ii. The right-of-way should be the minimum width needed to allow for maintenance access and installation.
 - iii. The angle of the crossing shall be perpendicular to the streamside management buffer to the extent practical to minimize clearing requirements.
 - iv. The minimum number of road crossings should be used within each subdivision, and no more than one roadway crossing is allowed for every one thousand (1,000) linear feet of streamside management buffer running parallel with the stream channel.
 - (2) **Stormwater management:**
 - i. An analysis needs to be conducted to ensure that no economically feasible alternative is available and that the project is either necessary for flood control, or significantly improves the water quality or habitat in the stream.
 - ii. In new developments, onsite and nonstructural alternatives will be preferred over larger facilities within the SMB.
 - iii. When constructing stormwater management facilities (i.e., BMPs), the area

cleared will be limited to the area required for construction and adequate maintenance access.

- iv. Material dredged or otherwise removed from a BMP shall be stored outside the SMB.
 - v. Where the SMB is greater than five (5) percent slope, concentrated stormwater discharges shall discharge directly to the water body and energy dissipation shall be provided to prevent scour, using techniques approved by the City Engineer.
 - vi. Where the SMB is less than or equal to five (5) percent slope, concentrated stormwater discharges shall be allowed to be directed to the Streamside Management Buffer Zone 2 Outer Section provided that the energy of the discharge shall be dissipated using trench level spreaders or other measures approved by the City Engineer. Trench level spreaders shall be constructed on the contour and the peak discharge rates through the level spreader shall not exceed 0.01 to 0.02 cubic feet per second (cfs) per foot of level spreader.
 - vii. Stormwater management facilities shall be designed and maintained to be compatible with the intent of this and other City regulations, including the City stormwater management standards (e.g. planted with native vegetation and, if feasible, designed as multi-purpose facilities for stormwater management, water quality, and habitat benefits).
- 3. Stream restoration projects, facilities and activities approved by the City Engineer, and Planning Commission are permitted within the SMB.
 - 4. Water quality monitoring and stream gauging are permitted within the SMB as approved by the City Engineer.
 - 5. Prescribed burning shall be allowed within the streamside management buffer as part of an approved buffer management plan or upon approval by the City Engineer. Applicant or property owner is responsible for obtaining any required County permits and notifying the appropriate authorities before burns are conducted.

B. Maintenance of Streamside Management Buffer

- 1. Individual trees within the SMB in danger of falling, causing damage to dwellings or other structures, or causing blockage of the stream may be removed upon approval by the City Engineer.
- 2. Other timber cutting techniques approved by the City and/or State of Tennessee

may be undertaken within the SMB under the advice and guidance of City and/or State of Tennessee if necessary to preserve the forest from extensive pest infestation, disease infestation, or threat from fire.

3. To support the establishment of an adequate layer of ground-plane vegetation, the forest canopy may be thinned to reduce ground plane shading (to as little as 50% canopy cover) as part of an approved buffer management plan or upon approval by the City Engineer.

4.6. PLAN REQUIREMENTS AND ADMINISTRATION

- A. **Plan requirement.** A plan approved by the City Engineer and Planning Commission is required for all development, surface mining operations, and agricultural operations in the streamside management buffer.
- B. **Plan submittal.** The plan shall set forth an informative, conceptual, and schematic representation of the proposed activity by means of maps, graphs, charts, or other written or drawn documents so as to enable the Planning Commission an opportunity to make a reasonably informed decision regarding the proposed activity.
- C. **Required plan details.** The plan shall be prepared to scale (same scale as preliminary site plan or preliminary plat or 1":100') and shall contain, at a minimum, the following information:
 1. A location or vicinity map;
 2. Field delineated and surveyed streams, springs, seeps, bodies of water, and wetlands (include a minimum of 200 feet into adjacent properties);
 3. Field delineated and surveyed existing and proposed forest cover within the SMB;
 4. Limits of the floodway and one hundred (100)-year floodplain (if available and applicable);
 5. Hydric soils mapped in accordance with the NRCS soil survey of the site area;
 6. Steep slopes greater than fifteen (15) percent for areas adjacent to and within two hundred (200) feet of streams, wetlands, or other water bodies; and
 7. A narrative of the species and distribution of existing vegetation within the streamside management buffer.
 8. A plan showing the location of any stormwater discharge and an accompanying narrative detailing the design of such discharge.
- D. **Streamside management buffer plan in conjunction with grading plan.** The streamside management buffer plan shall be submitted in conjunction with the required grading plan for any development, and the SMB should be clearly delineated

on the final grading plan.

- E. **Permanent boundary markers required.** Permanent boundary markers, in the form of signage approved by the City, shall be installed prior to final approval of the required clearing and grading plan. Signs shall be placed at the outer edge of Zone 2. A notation shall be made upon the plan denoting where the permanent boundary markers shall be installed.
- F. **Notation of streamside management buffer required on plans.** All site plans shall clearly:
1. Show and label the extent of any SMB on the subject property;
 2. Provide a note to reference any streamside management buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Lakeland"; and
 3. Provide a note to reference any protective covenants governing all streamside management buffer stating: "Any Streamside Management Buffer shown hereon is subject to protective covenants that may be found in the land records and that restrict disturbance and use of these areas."
- G. **Platting Protection of Streamside Management Buffer.** All streamside management buffers shall be maintained through a platted document, which is required to be submitted for approval by the Planning Commission. The plat shall be recorded in the land records and shall run with the land and continue in perpetuity. A copy of the recorded plat shall be presented to the City. The entire Streamside Management Buffer shall be identified and protected with the initial phase of development to establish the location of the stream at the outset of development. The established location will be reviewed by the City Engineer.
1. All lease agreements must contain a notation regarding the presence and location of the streamside management buffer and shall contain information on the management and maintenance requirements for the protection of the streamside management buffer for the new property owner.
- H. **Annual inspection of streamside management buffers.** The City may inspect established streamside management buffers annually for evidence of sediment deposition, erosion, or concentrated flow channels and corrective actions taken to ensure the integrity and functions of the stream side management buffer.
- I. **Successional growth in streamside management buffer allowed.** Streamside Management Buffers may be allowed to grow into their vegetative target state naturally, but methods to enhance the successional process such as active

reforestation, selective forest thinning, or prescribed burning may be used when deemed necessary and appropriate by the City Engineer to ensure the preservation and propagation of the streamside management buffer. Streamside Management Buffers may also be enhanced through reforestation or other growth techniques as a form of mitigation for achieving preservation requirements.

4.7. EXCEPTIONS AND VARIANCES

A. Exceptions

1. This Article shall apply to all proposed development except for activities that were completed prior to the effective date of this Article and had received the following:
 - (1) A valid, unexpired permit in accordance with development regulations;
 - (2) A current, executed Development Agreement with the City of Lakeland;
 - (3) A valid, unexpired building permit; or
 - (4) A waiver in accordance with current development regulations.
2. This Article shall not apply to any development or land disturbance occurring after its effective date to a development or land disturbance which:
 - (1) Is covered by a valid, unexpired plat in accordance with the Lakeland Engineering Standards.
 - (2) Is covered by a current, executed Development Agreement with the City of Lakeland.
 - (3) Is covered by a valid, unexpired Building Permit.
 - (4) Is an existing nonconforming building or use that is not permitted under this Article. Existing nonconforming buildings and uses may be continued but the existing building footprint or use shall not be expanded or enlarged unless approved by the Planning Commission. Discontinued nonconforming uses may be resumed within one (1) year from such discontinuance but not thereafter unless approved by the Planning Commission, provided, however, that no change or resumption of use shall be more detrimental to any streamside management buffer than the existing or former nonconforming use, as measured against the intent and objectives of this Article.
3. This Article shall not apply to agricultural operations that are covered by approved BMP's as defined by the Tennessee Department of Agriculture and the U.S. Department of Agriculture. Livestock operations are subject to limited application of this Article relative to the protection of Streamside Management Buffer from significant degradation of the stream system and accelerated streambank erosion

from livestock.

B. Variances. The Board of Zoning Appeals may grant a variance for the following:

1. Those projects or activities for which it can be demonstrated that strict compliance with the ordinance would result in a practical difficulty;
2. The requirements of the SMB represent an extreme hardship for the landowner such that little or no reasonable economic use of the land is available without reducing the width of the SMB;
3. The size, shape or topography of the property, as of the effective date of this Article, is such that it is not possible to construct a single family dwelling without encroaching upon the SMB;
4. Those projects or activities serving a public need where no feasible alternative is available;
5. A determination that the granting of the variance would not impact adjoining properties or affect the public health, safety and welfare;
6. Whether plan modifications or conditions of approval can achieve similar conservation objectives of this Article;
7. The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to associated aquatic ecosystems have been addressed; or
8. Those developments which have had buffers or conservation easements applied in conformance with previously issued requirements.

C. Variance from required streamside management buffer width. Variances from required streamside management buffer widths for development may also be granted, if deemed appropriate by the Board of Zoning Appeals, provided, however, the streamside management buffer width may be reduced at some points as long as the average width of the stream side management buffer meets the minimum requirement. This averaging of the streamside management buffer may be used to allow for the presence of an existing structure or to recover a lost lot, as long as the streamside management buffer (Zone I) is not disturbed or encroached upon, and no new structures are built within the one hundred (100)-year floodplain unless otherwise permitted by the Floodway regulations contained in the Zoning Ordinance. Under no circumstance shall the streamside management buffer be less than thirty (30) feet (the buffer required for Zone 1).

D. Application for variance required. The applicant shall submit a written request for a variance to the Board of Zoning Appeals at least thirty (30) days prior to the hearing.

The application shall include specific reasons justifying the variance and any other information necessary to evaluate the proposed variance request. The Board may require an alternative analysis that clearly demonstrates that no other feasible alternatives exist, and that minimal impact will occur as a result of the project or development. Each applicant for a variance must provide documentation that describes in detail:

1. Existing site conditions, including the status of the protected area; and
2. The needs and purpose for the proposed project; and
3. Justification for seeking a variance, including how buffer encroachment will be minimized to the greatest extent possible; and
4. A proposed mitigation plan that offsets the effects of the proposed encroachment during site preparation, construction and post-construction phases.

E. **Requirements from Board of Zoning Appeals.** In granting a request for a variance, the Board of Zoning Appeals may require site design, landscape planting, fencing, signs, and water quality best management practices to reduce adverse impacts on water quality, streams, wetlands, floodways and floodplains. All landscape, fencing and signage plans shall be subject to applicable review and approval via subdivision and/ or zoning processes defined in Article I, as determined by the Code Administrator.

F. **Conditions for granting a variance.** Any variance granted by the Board of Zoning Appeals will meet, at a minimum, the following conditions:

1. The width of the SMB is reduced only by the minimum extent necessary to provide relief; and
2. Land disturbing activities must comply with the requirements of the Erosion and Sediment Control Ordinance of the City of Lakeland and all applicable best management practices. Such activities shall not impair water quality, as defined by the federal Clean Water Act and the rules governing water quality of the State of Tennessee Department of Environment and Conservation; And
3. As an additional condition of issuing the variance, the Board of Zoning Appeals may require water quality monitoring downstream from the site of land disturbing activities to ensure that water quality is not impaired.

G. **Decision of Board of Zoning Appeals.** The decision of the Board of Zoning Appeals shall be final.

4.8. ENFORCEMENT

In addition to any other enforcement right provided herein, the City may bring civil action to restrain a violator from proceeding with any development or land disturbance pending the completion of the proceedings provided in this Article, to restrain the violator from violating any provision of this Article and to require the violator to restore at his/her expense any damage to the Streamside Management Buffer which he/she caused. The violator shall be liable to the City for all costs, including attorney fees, which the City may incur in bringing such an action.

Alternatively, the City may seek damages from the violator in the amount necessary to repair any damage to the Streamside Management Buffer and may also recover any costs and its attorney fees incurred in obtaining a recovery of damages.

4.9. SEVERABILITY

Should any section, subsection, clause, or provision of this Article be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Article in whole or any part thereof other than the part so declared to be invalid.

ARTICLE V - APPENDIX

APPENDIX A. TRAFFIC IMPACT STUDY	584
APPENDIX B. STORMWATER MANAGEMENT CHECKLIST	593



APPENDIX A. TRAFFIC IMPACT STUDY

- A. **Completed by a Professional.** Traffic impact studies shall be prepared, signed, and sealed by a Tennessee registered professional engineer experienced in traffic engineering and in good standing with the State of Tennessee.
- B. **Applicability.** An Applicant shall undertake a traffic impact study as part of the land development application completed for developments resulting in 100 or more new peak hour vehicle trips or 500 or more new total daily trips, whichever is greater. A traffic impact study may be required for developments generating less than 100 new peak hour trips when the traffic from the site would impact a local problem area (high crash location, congested area, etc.), or when determined by the City Engineer. Examples of the types of development that would generate more than 100 new peak hour trips are referenced in the table below

AP.A

based on the ITE *Trip Generation Manual*,
11th Edition:

ITE Land Use (Code)	Size of development to generate 100 peak hour trips
General Light Industrial (110)	130,000 SF
Warehousing (150)	550,000 SF
Single-Family Detached Housing (210)	100 dwelling units
Single-Family Attached Housing (215)	175 dwelling units
Multifamily Housing (Mid-Rise) (221)	250 dwelling units
Hotel (312)	275 rooms
General Office (710)	65,000 SF
Medical-Dental Office (720)	25,000 SF
Strip Retail Plaza (<40k) (822)	15,000 SF
Fast Casual Restaurant (930)	8,000 SF
Fast-Food Restaurant w/ Drive-thru (934)	2,200 SF

C. **Traffic Engineer.** When traffic studies are warranted, a fee shall be paid to the City for the cost of the study prepared by an independent traffic engineer. This fee will be due and paid in full by the developer to the City prior to the traffic engineer beginning work for the City.

1. The traffic engineer will use the scope of services adopted by the City.

D. **Traffic Impact Study Methodology Meeting.** Prior to beginning a Traffic Impact Study, the developer and/or their traffic consultant shall meet with the City Engineer to determine the scope of the TIS.

1. The following items, at a minimum, shall be discussed during the methodology meeting:

- (1) Extent of the study area limits, including existing adjacent public roads and the major study intersections (signalized and/or unsignalized) to be analyzed
- (2) Trip generation, distribution, and assignment methodology
- (3) Assumptions for pass-by and internal capture trip reductions
- (4) Assumptions for background traffic growth rates

- (5) Traffic analysis target and horizon year for the proposed development
 - (6) Typical study horizon years will be opening day, date of full build out and occupancy (if it is not the same as opening day), and five years after full build out and occupancy. If a project is expected to generate more than 1000 peak hour trips and if the proposed development will produce more trips than the land use contained in the City of Lakeland adopted Land Use Plan, then the study horizon year will be the same year as the horizon year of the Metropolitan Planning Organization's Long Range Transportation Plan.
 - (7) Traffic analysis time periods (AM, PM, Weekend peak hours, etc.) for the proposed development
 - (8) Necessity of additional analyses, such as traffic signal warrant calculations, driver/pedestrian safety, intersection sight distance, gap and traffic simulation, etc.
 - (9) Other current and/or proposed transportation improvement projects within the vicinity of the proposed development site.
 - (10) Approved developments that are anticipated to generate additional traffic within the study area
 - (11) Consideration of pedestrian, bicycle, and ADA accommodations
 - (12) Analysis software and reporting requirements
 - (13) Peak Hour factors for analysis (existing and projected traffic)
 - (14) Heavy Vehicle Percentage for analysis (existing and project traffic)
2. Minutes of the methodology meeting shall be prepared and submitted along with the TIS report.

E. **Study Parameters.** All traffic impact studies shall be prepared to contain the following information about the site and the project. The City Engineer shall have the authority to request the evaluation or addition of further information, if a more extensive analysis is warranted.

1. **Development of Traffic Conditions.**

- (1) **Existing Traffic Conditions.** The characterization, in the current year, of the surrounding transportation system within the study area limits and without the proposed development. The following shall be included:
 - i. **Traffic Volume Data.** Existing peak hour traffic volumes may be utilized if they are within two (2) years from the date of the traffic study scoping meeting. If not available, the developer of the proposed development shall be

responsible to collect the required traffic volume data at study intersections within the study area limits. The schedule for collecting new traffic volume data should consider area schools or seasonal peaks.

- ii. **Geometric Data.** The following data shall be collected within the study area limits:

- a. Functional roadway classifications
- b. Traffic control devices, including traffic signal phasing and timings
- c. Linear distance between intersections
- d. Posted speed limits
- e. Sight distance measurements from all site access intersections
- f. Identification of bicycle and pedestrian facilities
- g. Lane usage, including lane width for roadways and intersections
- h. Location of any driveways across from or adjacent to site access intersections

- (2) **Background Traffic Development and Growth Calculations.** For each target and horizon year, background traffic development and growth are defined as the increased traffic volumes of the surrounding transportation system within the study area limits without the proposed development. The background traffic development and growth are developed by applying a background growth rate to the traffic volumes contained in the existing traffic conditions for each target/horizon year. The background growth rate is typically based on historical traffic count information from ADT counts located in the vicinity of the study area limits. Additional consideration shall be given to the likelihood for future growth in the study area and shall include traffic from other approved developments where applicable. In all cases, the background growth rate shall be pre-approved by Tennessee Department of Transportation (TDOT).

- (3) **Future Traffic Conditions without Project (No-Build condition).** Future traffic conditions without project are considered the characterization, for all target and horizon years, of the surrounding transportation system within the study area limits and without the proposed development.

- i. The future traffic conditions without project are simply developed by adding the traffic volumes contained in the existing traffic conditions together with the background traffic conditions for each horizon year.

- (4) **Site Traffic Distribution and Assignment.** Site traffic conditions are considered the characterization, based on 100% occupancy of the construction phase or full build-out, of the total number of trips generated by the proposed development of the surrounding transportation system within the study area limits.
- i. During the analysis of the site traffic conditions, internal circulation shall be evaluated including the location of all site ingress/egress access intersections to existing adjacent public roads.
 - ii. The number of access points should be kept to a minimum and designed to be consistent with the type of existing adjacent public roadway facility.
 - iii. A directional trip distribution percentage model of the new trips generated by the proposed development should be based on an acceptable trip distribution methodology including, but not limited to, existing traffic patterns on adjacent public roads, population centers, and employment centers of the surrounding transportation system within the study area limits. If the proposed development is a mixed-use development, each land use shall justify a separate directional trip distribution percentage model.
 - iv. Once a directional trip distribution percentage model is developed, the total number of trips generated by the proposed development is assigned throughout the surrounding transportation system within the study area limits by multiplying the total number of trips by each directional trip distribution percentage model. If multiple directional trip distribution percentage models are utilized to develop the site traffic conditions, then the trip assignment for each land use and/or construction phase shall be developed separately and an overall total trip assignment generated by the entire proposed development shall be prepared to summarize all of the directional trip distribution percentage models.
- (5) **Future Traffic Conditions with Project (Build).** Future traffic conditions with project are considered the characterization, for all target and horizon years, of the surrounding transportation system within the study area limits and with the proposed development.
- i. The future traffic conditions with project are simply developed by adding the traffic volumes contained in the future traffic conditions without project together with the site traffic conditions for each target/horizon year.

2. Traffic Analyses and Mitigation Measures

- (1) **Site Access.** Determine number, type, and location of site access points. Location and type of access points should also consider other roads and access points in the vicinity of the proposed project.
 - (2) **Determine limits of analyses.** The study boundaries and limits of analysis will be determined based on the number of peak hour trips expected to be generated by the proposed development. The following guidelines will be used unless otherwise determined by the City Engineer:
 - i. **Less than 200 Peak Hour Trips.** Adjacent intersections (if corner location) and within 1000 feet of all access points
 - ii. **Between 200 and 500 Peak Hour Trips.** All signalized intersections within one half (1/2) mile of the site property lines of the site and all unsignalized intersections within one half (1/2) mile of the site property lines.
 - iii. **Greater than 500 Peak Hour Trips.** All signalized and unsignalized intersections within one (1) mile of site property lines.
 - (3) **Capacity and Level of Service.** Determine the capacity and level of service of the roadways and intersections within the study boundaries for the following conditions:
 - i. **Existing Conditions.**
 - ii. **Background Conditions.** Existing traffic plus growth to each horizon year
 - iii. **Total Traffic Conditions.** Existing plus background plus site total traffic for each horizon year.
 - (4) Provide an assessment of the safety issues for the development.
 - i. Intersection sight distance review.
 - (5) Provide an assessment of site circulation and parking.
 - i. Queuing Analysis if applicable
 - (6) Other analyses but not limited to be evaluated consist of:
 - i. Turn Lane Warrants
 - ii. Traffic Signal Warrants Analysis
3. **Improvement Analyses.** Conduct analyses of the conditions listed below to determine the improvements required due to the proposed development, if any. For these analyses, Level-of-Service C or better is acceptable for intersection analyses. Improvements shall also consider multi-modal improvements such as pedestrian paths, bicycle routes, or transit. Multi-modal improvements shall comply with the

Lakeland Comprehensive Plan.

- (1) **Improvements to accommodate existing traffic.** If the existing conditions analyses reveals intersections or roadway segments that will operate at an unacceptable Level-of-Service (LOS), determine the improvements required for those intersections or roadway segments to operate at an acceptable LOS.
- (2) **Improvements to accommodate background traffic.** Conduct analyses of the background traffic for each horizon year to determine if any of the intersections or roadway segments within the study area will operate at an unacceptable LOS and, if so, the improvements required for these intersections or roadway segments to operate at an acceptable LOS.
- (3) **Total Traffic.** Conduct analyses of the total traffic for each horizon year to determine if any of the intersections or roadway segments within the study area will operate at an unacceptable LOS, and if so, the improvements required for these intersections or roadway segments to operate at an acceptable LOS.
- (4) Analyses should clearly indicate the improvements required due to the proposed development. The analyses shall include a determination of any changes to traffic control devices that may be required for the proposed development, including traffic signals. If there are improvements that are already planned or programmed within the study area, the study shall document the status of those improvements and the schedule of those improvements relative to the horizon years of this study.

F. Traffic Impact Study Framework

1. Project Introduction.

- (1) Project Description
- (2) Project location and description of influence area.
- (3) Preliminary site plan included all access points
- (4) Land Use and Zoning
- (5) Construction Phasing Plan (if applicable)
- (6) Traffic Impact Study methodology

2. Traffic Analysis

- (1) **Stated assumptions.**
- (2) **Measures of Effectiveness.** The following Measures of Effectiveness shall be reported:
 - i. Vehicle Delay

- ii. Level of Service
- iii. v/c ratio
- iv. 95th Percentile Queue Length

(3) **Existing Conditions Analysis**

- i. **Existing Traffic Conditions.** The developer of the proposed development shall be responsible to collect the required traffic volume data at study intersections within the study area limits. The schedule for collecting new traffic volume data should consider area schools or seasonal peaks. Any traffic counts collected between the months of May-August shall require additional information to support the validity of the data collected during a time in which the local area schools are not in session.
- ii. Intersection geometry, including turn bay storage length (if applicable)
- iii. Existing Measures of Effectiveness (MOEs)

(4) **No-Build Conditions Analysis**

- i. Background traffic growth (without development) projected to the opening date of each phase of the proposed development (if applicable)
- ii. Background traffic growth (without development) projected to the full build-out date of the proposed development
- iii. Background Traffic growth (without development) projected to the horizon year five years after full build-out
- iv. Transportation improvements programmed by City of Lakeland or State of Tennessee (if applicable)
- v. No build conditions MOEs

(5) **Build Conditions Analysis.** Traffic should account for all site and non-site related traffic.

- i. **Trip Generation.** All trip generation rates are to be in accordance with the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, unless otherwise approved by the Engineer.
- ii. **Trip Distribution.** Documentation of trip distribution methodology and diagram of proposed distribution.
- iii. **Internal Capture/Pass-by Trip reductions.** Identify modal splits used for the proposed development. Documentation and diagram of trip assignments. Internally captured trips are to be determined based on methods included in the ITE Trip Generation Handbook (most recent edition).

- iv. Network Assignment
- v. Proposed build-out traffic volumes, including background traffic growth, projected to the opening date of each phase of the proposed development (if applicable)
- vi. Proposed build-out traffic volumes, including background traffic growth, projected to the full build-out date of the proposed development
- vii. Proposed build-out traffic volumes, including background traffic growth, projected to the horizon year five years after full build-out date of the proposed development
- viii. Build Conditions MOEs
- ix. Intersection sight distance analysis for site access points
- x. Traffic Signal Warrant analysis (if applicable)
- xi. Turn Lane Warrants Analysis (if applicable)

3. **Conclusion and Recommendations**

- (1) **Conclusion and Summary.** Provide a summary of the assumptions and analyses contained above and a list of recommended improvements required to accommodate the proposed development including a schedule for completion of the improvements. These improvements may contain recommendations for road improvements, changes to intersection traffic control, intersection improvements, or multimodal improvements.

- (2) **Mitigation Recommendations**

4. **Appendices**

- (1) Minutes from Methodology Meeting,
- (2) traffic counts data,
- (3) worksheets,
- (4) analyses, or
- (5) other items used to prepare this study



APPENDIX B. STORMWATER MANAGEMENT CHECKLIST

AP.B

STORMWATER MANAGEMENT PLAN CHECKLIST	
Y/N/NA	ITEM
	SOILS REPORT
	EXISTING INFRASTRUCTURE FEATURES IDENTIFIED
	PROPOSED NATURAL DRAINAGE FEATURES IDENTIFIED
	EXISTING STORMWATER SYSTEMS (basins, wet weather conveyances, blue line streams)
	DELINEATED DRAINAGE AREAS (existing and proposed)
	OVERLAND FLOW PATHS
	UTILITY EASEMENTS
	STORMWATER REPORT (describing the existing and proposed stormwater management system, the hydrologic and water quality analysis used to document conformance with these Engineering Standards and other applicable stormwater requirements and standards.



Board of Commissioners

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - amending the calendar year 2025 meeting calendar.

Staff Contact: Cheyenne Carter, City Recorder

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-7-2025.

BUDGET IMPACT

There is no budgetary impact related to this item.

DISCUSSION

When the meeting calendar was generated, a typographical error was made for the May Municipal Planning/Design Review Commission (MPDRC) meeting. The original copy of the meeting calendar reflects the May MPDRC meeting to be held on May 9th, however, that is a Friday and the correct date should be Thursday, May 8th.

RESOLUTION R-7-2025

AMENDING THE CALENDAR YEAR 2025 MEETING CALENDAR

WHEREAS, the Board of Commissioners of the City of Lakeland, Tennessee, (the “Board”) set the meeting calendar for calendar year 2025 with Resolution R-174-2024; and,

WHEREAS, the Board deems it appropriate to revise the meeting calendar:

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Lakeland, Tennessee, hereby approved below proposed actions with the attached amended 2025 meeting calendar for Lakeland Boards and Commissions.

Date	Proposed action
05/09/2025	Cancel the existing Municipal Planning/Design Review Commission regular meeting
05/08/2025	Adopt the corrected Municipal Planning/Design Review Commission regular meeting

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee this 16th day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

2025 Meeting Calendar

Lakeland Boards & Commissions

January

9th – Municipal Planning/Design Review Commission
14th – Parks and Recreation/Natural Resources Board
16th – Board of Commissioners
23rd – Industrial Development Board

February

6th – Board of Commissioners
11th – Community Advisory Board
13th – Municipal Planning/Design Review Commission
20th – Board of Commissioners
27th – Industrial Development Board

March

6th – Board of Commissioners
11th – Parks and Recreation/Natural Resources Board
13th – Municipal Planning/Design Review Commission
20th – Board of Commissioners
27th – Industrial Development Board

April

3rd – Board of Commissioners
8th – Community Advisory Board
10th – Municipal Planning/Design Review Commission
17th – Board of Commissioners
24th – Industrial Development Board

May

~~9th – Municipal Planning/Design Review Commission~~
8th – Municipal Planning/Design Review Commission
13th – Parks and Recreation/Natural Resources Board
15th – Board of Commissioners
22nd – Industrial Development Board

June

5th – Board of Commissioners
10th – Community Advisory Board
12th – Municipal Planning/Design Review Commission
26th – Industrial Development Board

July

8th – Park and Recreation/Natural Resources Board
10th – Municipal Planning/Design Review Commission
17th – Board of Commissioners
24th – Industrial Development Board

2025 Meeting Calendar

Lakeland Boards & Commissions

August

12th – Community Advisory Board
14th – Municipal Planning/Design Review Commission
21st – Board of Commissioners
28th – Industrial Development Board

September

4th – Board of Commissioners
9th – Parks and Recreation & Natural Resources Board
11th – Municipal Planning/Design Review Commission
18th – Board of Commissioners
25th – Industrial Development Board

October

2nd – Board of Commissioners
9th – Municipal Planning/Design Review Commission
14th – Community Advisory Board
16th – Board of Commissioners
23rd – Industrial Development Board

November

6th – Board of Commissioners
13th – Municipal Planning/Design Review Commission
18th – Parks and Recreation/Natural Resources Board
20th – Industrial Development Board

December

4th – Board of Commissioners
9th – Community Advisory Board
11th – Municipal Planning/Design Review Commission
18th – Industrial Development Board

Comments:

1. The Board of Appeals/Stormwater Board of Appeals will meet on the 3rd Monday of the month on an as-needed basis.
2. For record of the Board of Education business meetings and work sessions, please visit their website at
<https://meeting.boeconnect.net/Public/Organization/lakelandk12>



Board of Commissioners

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - adopting the fiscal year 2026 annual budget preparation calendar.

Staff Contact: Sue Matthews, Finance Director

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-10-2025.

BUDGET IMPACT

There is no budgetary impact related to this item.

DISCUSSION

The dates and milestones on the resolution are in accordance with the past few years' successful efforts to complete a budget and obtain the GFOA award, and City Staff fully expects the same results for the fiscal year 2026 annual budget.

RESOLUTION R-10-2025

APPROVING THE FISCAL YEAR 2026 ANNUAL BUDGET PREPARATION CALENDAR

WHEREAS, the respective staffs of the City of Lakeland and the Lakeland School System desire to prepare a comprehensive Annual Budget document for fiscal year 2026 to be submitted in compliance with State of Tennessee requirements *and* for recognition and potential award by the Government Finance Officers Association (“GFOA”); and,

WHEREAS, the Board of Commissioners of Lakeland, Tennessee; deems it appropriate to affirm the fiscal year 2026 budget preparation calendar to allow for proper timing and planning toward this goal:

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of the City of Lakeland, Tennessee, hereby approves the fiscal year 2026 Annual Budget Preparation Calendar as follows:

Date	Milestone
2/4/2025	Board of Commissioners strategic planning workshop
2/6/2025	Budget worksheets distributed to Department Directors
2/22/2025	Budget Worksheets and narratives due from department directors
2/27/2025	Budget Document draft, incorporating worksheets and narratives submitted to Board of Commissioners for initial review
3/3/2025	Budget Workshops with Directors begin
3/7/2025	Budget revisions made in conjunction with Board of Commissioners, department directors, and Finance Dept input
3/19/2025	Revised Budget submitted to the Commissioners
3/25/2025	City Funds Workshop
4/7/2025	School Budget presented to LSS Board of Education
4/14/2025	School Budget approved by LSS Board of Education
4/16/2025	Budget consolidation between City and LSS funds begin
4/22/2025	Deadline to have Consolidated Draft Annual Budget Ready for Commissioner Review
4/25/2025	Send Consolidated Draft Budget to Commissioners
5/15/2025	1st Reading of the Annual Budget & Tax Rate
6/5/2025	2nd Reading of the Annual Budget & Tax Rate
6/17/2025	Submission to State of TN and GFOA - Combined Budget Ordinance and Annual Budget document

RESOLUTION R-10-2025

APPROVING THE FISCAL YEAR 2026 ANNUAL BUDGET PREPARATION
CALENDAR

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee this 16th day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder



Board of Commissioners

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - accepting Lot 9 in the Lakeland Town Square development (formerly known as Lakeland Commons) and authorizing the City Manager and the City Attorney to execute necessary documents.

Staff Contact: Emily Harrell, City Engineer

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-180-2024.

BUDGET IMPACT

There is no budgetary impact from this item.

DISCUSSION

The Lakeland Town Square Planned Development was approved with two civic lots, Lot 8 and Lot 9. The Board of Commissioners approved the dedication of Lot 8 to the City on November 7, 2024. While there has been discussion at previous Board meetings about Lot 9, no action has been taken by the City to accept ownership of Lot 9.

On October 10, 2024, the developer submitted a site plan application to the Municipal Planning Commission proposing the construction of an open air pavilion on Lot 9, which was approved. A permit application was also filed with Shelby County for the construction of the pavilion. The developer plans to construct the pavilion only if Lot 9 remains privately owned. If the City accepts ownership of Lot 9, all improvements and maintenance of the property will be at the cost of the City.

RESOLUTION R-180-2024

ACCEPTING LOT 9 IN THE LAKELAND TOWN SQUARE DEVELOPMENT
(FORMERLY KNOWN AS LAKELAND COMMONS) AND AUTHORIZING THE CITY
MANAGER AND THE CITY ATTORNEY TO EXECUTE NECESSARY DOCUMENTS

WHEREAS, the Developer of the Lakeland Town Square project agreed to dedicate to the City of Lakeland, Tennessee (the "City") two parcels which were identified on the October 12, 2018 master plan for the Tax Increment Financing ("TIF") as Dedication Parcel A and Dedication Parcel B; and,

WHEREAS, Dedication Parcel B is also shown as Lot 9 on the General Development Plan for the project; and,

WHEREAS, the Board of Commissioners of the City of Lakeland, Tennessee (the "Board") recognizes the utility and benefits of accepting Lot 9 (formerly known as Dedication Parcel B); and,

WHEREAS, the Board hereby authorizes the City Manager and City Attorney to execute all necessary documents to accept the dedication of Lot 9 at no cost to the City:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the Board hereby authorizes the City Manager and City Attorney for the City of Lakeland, Tennessee, to execute all necessary documents to accept the dedication of Lot 9 at no cost to the City.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee this 5th day of December 2024, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder



Application for Site Plan Approval

Case No. _____ Date of Application September 5, 2024

Name of Applicant Lakeland Commons, LLC (Vince Smith Jr.)

Address 355 Tara Ln., Memphis, TN 38111

Daytime Telephone Number (901) 489-5896 Fax Number _____

E-mail kakivs@gmail.com

Name of Property Owner Applicant

Address _____ Telephone Number _____

Name of Project Planning/Engineering Firm Integrated Land Solutions, PLLC

Name of Project Manager or Contact Person Cory Brady, PLA, AICP

Address 9967 Bentwood Creek Cv., Collierville, TN 38017

Telephone Number (901) 493-6996 Fax Number _____

E-mail corybrady@gmail.com

Name of Development Lakeland Commons, PMUD Parcel ID# L0150 00568

Location of Development Area B, Lot 9

Acreage 0.283 Acres Zoning District(s) PMUD (AG) Multiple Phases? _____ Check if YES

Total Gross Building Area _____ Floor Area Ratio (FAR) _____ No. of Parking Spaces Shared (Ex)

Amount of Open Space N/A Acres Open Space as Percent of Total Acreage N/A %

Have any variances been granted by the Board of Zoning Appeals? _____ If yes, provide description and date(s).

Approval requested (Check One): Preliminary ☐ Final ☒

Date of Preliminary Site Plan approval, if applicable _____


Applicants Signature

Sept. 26. 2024
Date

Property Owners Signature (if different from applicant)

Date

CITY OF LAKELAND
10001 Highway 70
Lakeland, TN 38002
Office: (901) 867-2716 Fax: (901) 867-2063
Email: Lwest@lakelandtn.org

www.lakelandtn.gov

PRE-APPLICATION CONFERENCE WITH CITY STAFF

At least thirty (30) days prior to filing any application for a Planned Development, the prospective applicant shall request a pre-application conference with the City.

SUBMITTAL AND MEETING TIMELINE

All applications must be submitted Thirty (30) days prior to the meeting of the Municipal Planning and Design Review Commission (MPDRC). The MPDRC meets on the second Thursday of every month unless otherwise posted. For the initial submittal, Three full size plan sets (24" x 36") as well as a digital copy of the application and accompanying plans are required. Additional plan sets may be required after subsequent staff review.

FEES

Municipal Planning Commission

<u>0 — five (5) acres</u>	\$500.00
<u>Six (6) — ten (10) acres</u>	\$750.00
<u>Over ten (10) acres</u>	\$1,000.00

Design Review Commission

<u>Less than one (1) acre</u>	\$200.00
<u>One (1) — two (2) acres</u>	\$300.00
<u>More than 2 acres</u>	\$400.00+\$20.00/ acre
<u>sign/fence</u>	\$100.00
<u>Appeal to DRC</u>	\$200 (Ord. 09-138)

September 25, 2024

Paul Luker, AICP
Planning Director
City of Lakeland
10001 Highway 70
Lakeland, TN 38002

Re: Request for Site Plan Approval
Lakeland Commons Planned Mixed-Use Development (Lot 9, Area B)

Mr. Luker,

On behalf of the property owner and developer, I am requesting final site plan approval to permit an open-air, wood structured pavilion upon Lot 9, Area B of the Lakeland Commons PMUD as recorded in PB 296, PG 16 at the Shelby County Registers Office. The MLGW assigned address is 9791 Shady Village Lane. The proposed pavilion represents the final phase of development for the Lakeland Town Square. Upon approval and completion of construction, Lot 9, as improved, will be transferred to the City of Lakeland in accordance with all prior resolutions.

Please find enclosed the architectural elevations, materials composition, and landscape specifications for your review. Aside from minor cut and shift, no major grading or drainage improvements are required or proposed. The wood framed structure will be erected "on-grade" with no need for sewer, water or gas connection. Ambient lighting will be provided by a series of low voltage LED "string lights" as illustrated on the architectural renderings and the surrounding parking areas are adequately lighted by existing fixtures. Parking for the proposed business will be provided through the facility's existing shared parking arrangement with no additional spaces necessary. The landscape requirements outlined by the Lakeland Commons PMUD are met and a automated irrigation system will be installed accordingly.

Again, on behalf of the property owner and applicant, we look forward to discussing this proposal with staff and planning commission. If you should have any questions please do not hesitate to contact me at corybrady@gmail.com_or (901) 493-6996.

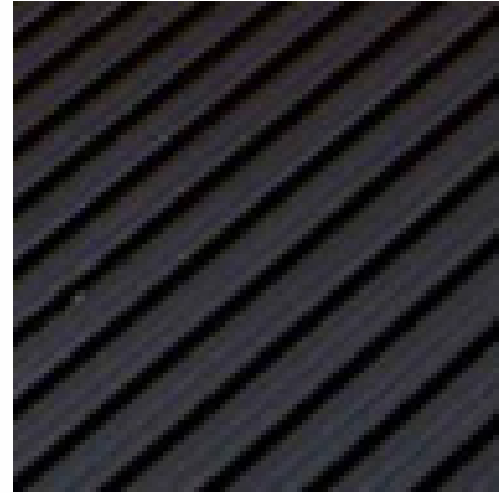
Respectfully,



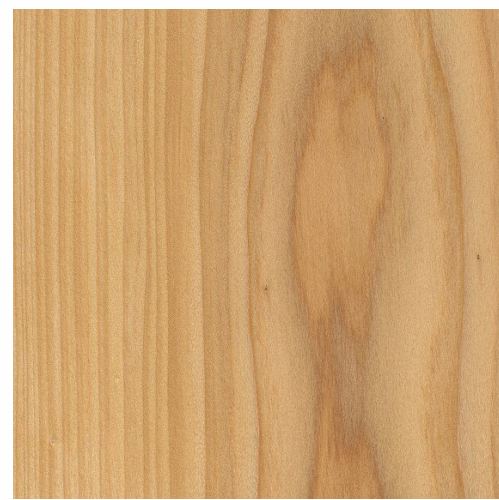
Cory Brady, PLA, AICP
Integrated Land Solutions, pllc



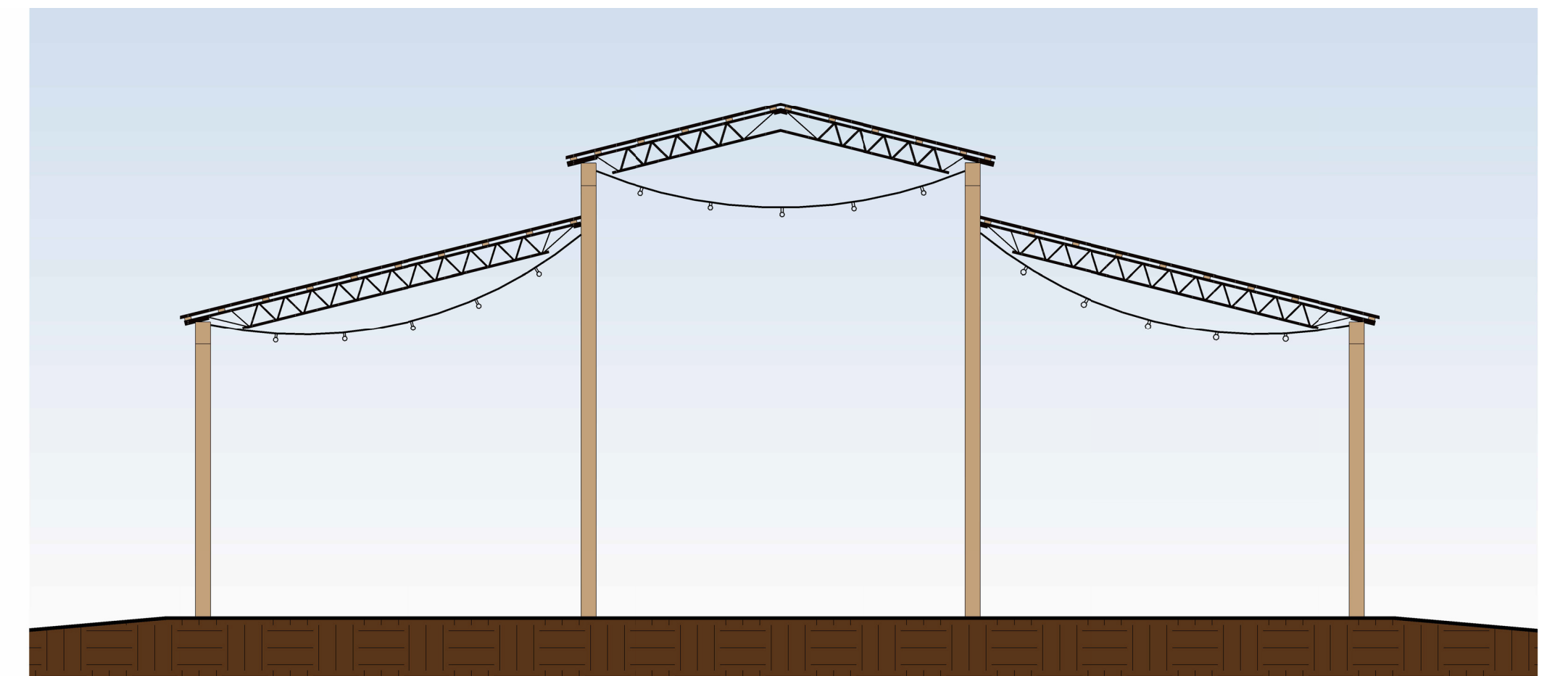
EXTERIOR GRADE
STRING LIGHTS



MBCI STANDING SEAM
METAL PANEL ROOFING
12" CLEAR, COLOR:
MIDNIGHT BRONZE

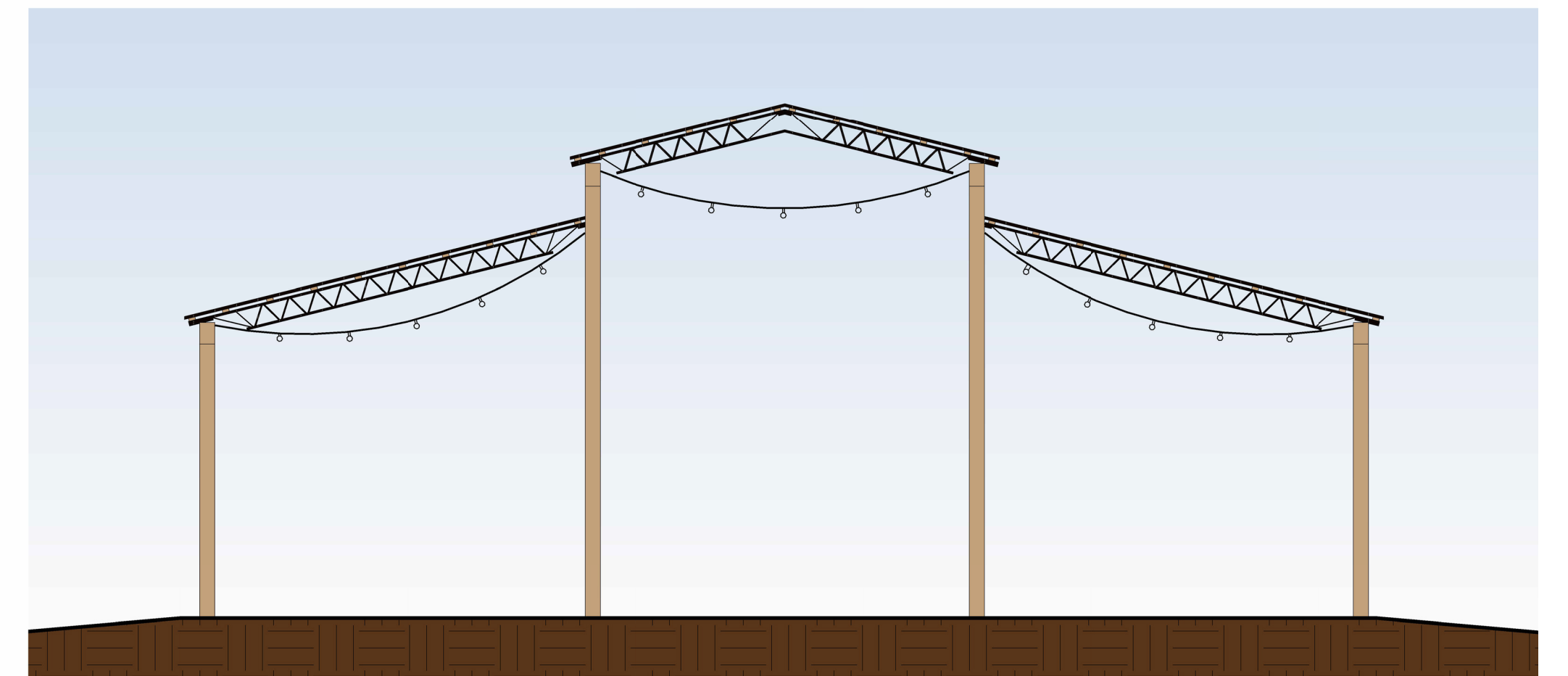


HEAVY TIMBER COLUMNS



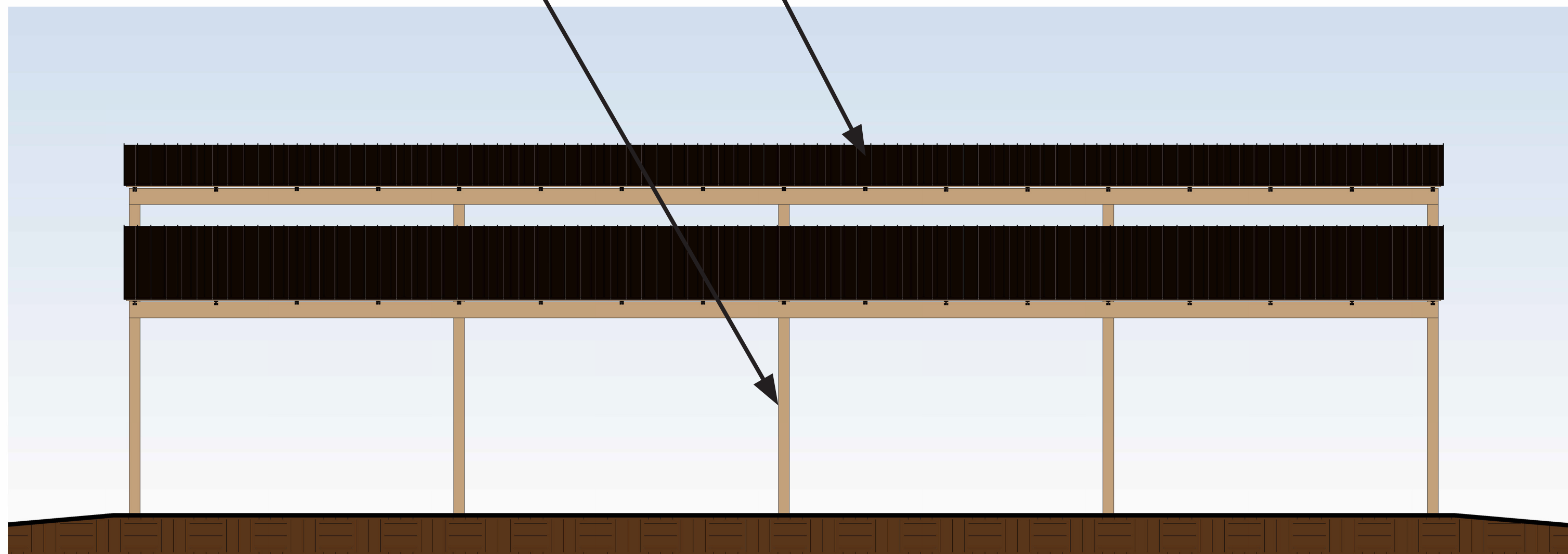
ELEVATION - WEST

1/8" = 1'-0"

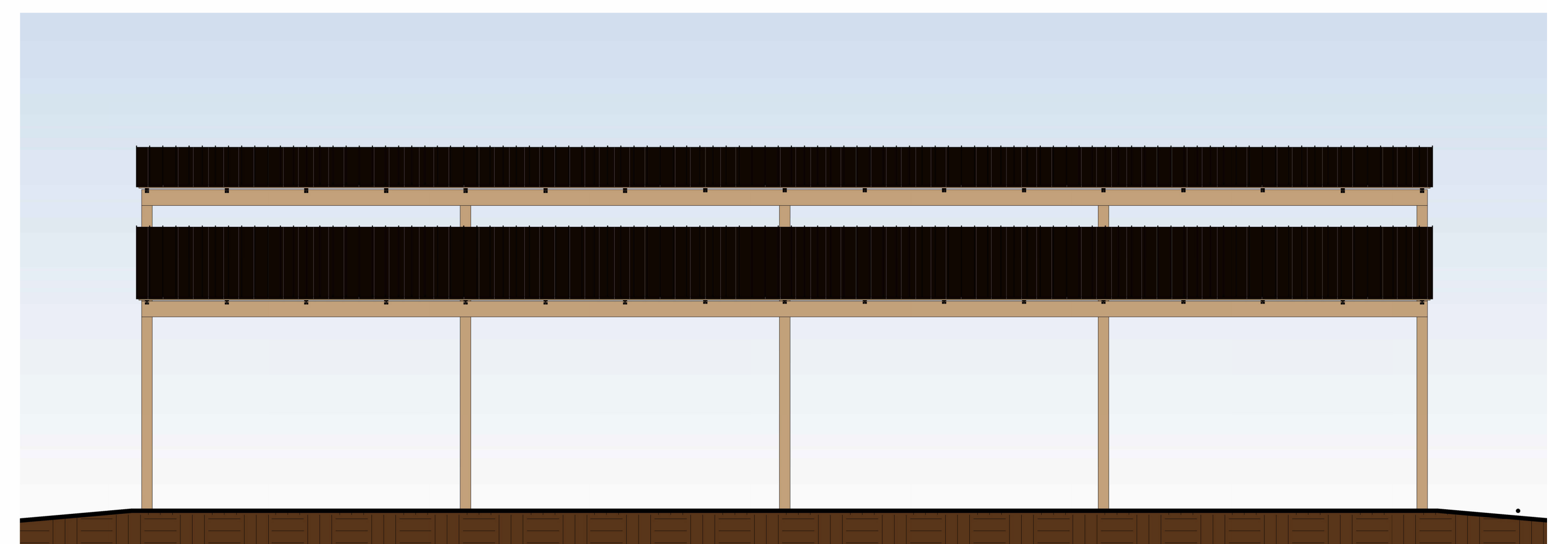


ELEVATION - EAST

1/8" = 1'-0"



ELEVATION - NORTH



ELEVATION - SOUTH

URBANARCH ASSOCIATES
DRC SUBMITTAL
JOB: 24033
DATE: 09/10/24
SCALE: 1/8" = 1'-0"

LAKELAND PAVILION

LOT 9 AREA B SHADY VILLAGE LANE
LAKELAND COMMONS PH.2
LAKELAND, TN 38002

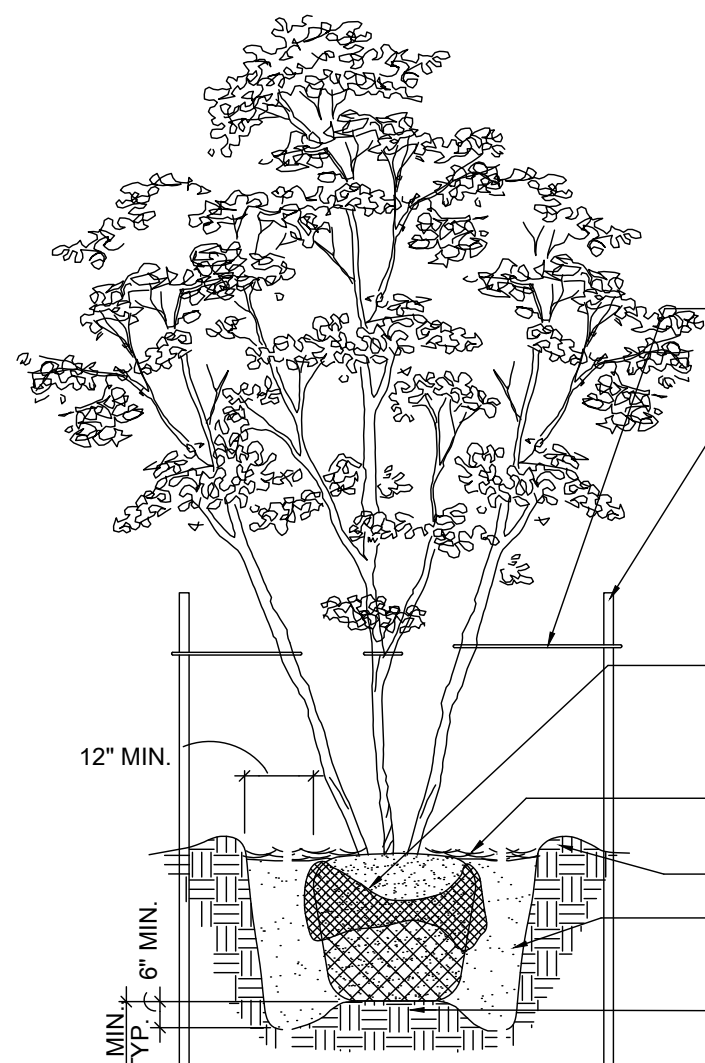
Urban
ARCH
associates, pc

GENERAL NOTES

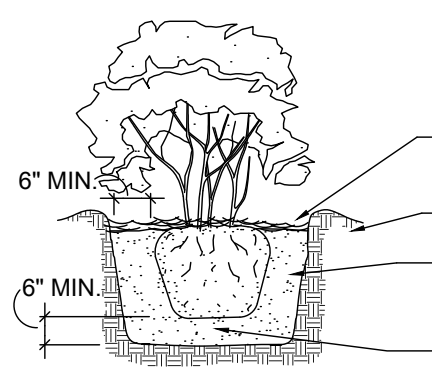
- This landscape plan was prepared using data provided by other professionals. This landscape plan intended to provide tree, shrub, and groundcover specifications only. Please refer to the civil engineer's and/or architect's plans as necessary for site related details and specifications. No guarantee of accuracy pertaining to the site plan elements illustrated is expressed or conveyed.
- All plant material shall conform to the standards of the "American Standard For Nursery Stock" as published by the American Association of Nurserymen.
- All trees, shrubs and ground covers shown on the landscape plan shall be installed as the species specified in the plant schedule unless requested in writing by the owner who reserves the right to substitute similar plant material. Subject to approval by the municipality.
- The landscape architect and the owner reserves the right to reject any or all planting materials which in their opinion do not appear to fit for this planting installation.
- Any substitutions or changes must be approved by the landscape architect.
- The plant quantities illustrated on the plan shall supersede the quantities listed in the plant schedule. The contractor shall be responsible for verification of plant quantities.
- Plant spacing is approximate. Space all shrubs equally to fill the intended space using the quantity illustrated.
- Plant sizes are minimums. The contractor shall meet all size requirements listed. No undersized plant material will be accepted. Any substitutions must be approved by the owner, landscape architect, and municipality.
- The landscape contractor shall locate a source for all planting materials prior to submitting a bid. A minimum of 1 in 10 plants of each plant species shall have a label attached providing the common and scientific name of said plant.
- All plants shall be vigorous, healthy material free of pests and disease. Use appropriate fertilizers in recommended quantities.
- The landscape contractor shall provide a one-year warranty on all materials from date of installation. The landscape contractor or the owner's designee shall be responsible for maintenance for one year. The name and contact information for the responsible party must be on file with the landscape inspector. The property owner is required by municipal ordinance to maintain the landscaping and grassed areas in good condition, thereafter.
- It is the landscape contractor's responsibility to verify with the general contractor that the subgrade preparation has been completed and four (4) inches of topsoil has been placed on all proposed lawn areas and planting beds. The landscape contractor shall not begin any planting / installation until the general contractor has completed the subgrade work and the topsoil has been installed.
- Any material that dies or defoliates prior to acceptance of the work will be promptly removed and replaced. Replacements shall also be guaranteed for a period of one year from date of installation.
- Utility locations illustrated are conceptual. The landscape contractor shall have all utilities located and identified prior to installation of any plant materials. Landscape material shall be adjusted accordingly where conflicts exist.
- The contractor assumes responsibility for any damages to such utilities incurred by his company. One Call= 811
- Prior to installation of sod, all proposed lawn areas shall be disked and raked smooth to a uniform grade as shown on the grading plan, be free of weeds and other debris, and the area fertilized as specified. After installation, sod shall be rolled at a sufficient rate to promote adequate root growth. All sod shall be laid within 24 hours of arriving at the site.
- Prior to the installation of any plant material, all bed areas shall be amended to provide a planting soil mix composed of 2/3 existing topsoil and 1/3 pro-mix, garden mix or equal. If the existing soil is composed of primarily clay, the existing soil shall be removed at a depth of 18" and replaced with pro-mix, garden mix or equal and tilled under to a 24" depth.
- A pre-emergent herbicide shall be applied to all shrub beds prior to the installation of plant material. The herbicide is to be applied per manufacturer's specifications and all state and local codes. Advise the owner of herbicide type and quality prior to application.
- Adjustments may be made to the plan to adapt to actual field conditions, avoid utility conflicts, or the obstruction of the sight triangle at access points or intersections.
- Mulch tree and shrub planting areas 3" deep immediately after installation. Thoroughly water mulched areas. After watering, rake mulch to provide a uniform finished surface.
- All plantings shall be thoroughly watered at the time of planting and as often thereafter as needed to keep the vegetation adequately hydrated.
- Stake / guy all trees only when necessary. When high winds or other conditions occur, the landscape contractor shall take whatever precautions he deems necessary to protect the survival and appearance of the plants. All ties must be removed at the end of the one-year warranty period.
- A 6-inch shovel cut bed edge shall be maintained along all landscape bed and tree well perimeters.
- No shrub or tree shall be planted within 3 feet of any fire hydrant, electrical transformer or mechanical unit. Adjust plant material as necessary accommodate actual field condition.
- Seasonal color and groundcover quantities refer to square footage. Space as required for species.
- Any areas that are not specified for plant material shall be covered with seed or sod as specified, including the area between the property line and the edge of pavement. These areas shall be properly loosened and amended to promote growth.
- Any banks, drainage ditches, or swales, must have a finished grade, be stabilized with sod, erosion control mat, stand of grass from seed or other approved technique, provide positive drainage with no pooling, and be easily maintained post construction. Coordinate with civil engineering plans and specifications.
- The contractor shall strictly follow ordinances, approved plans, planting details and notes.
- Adjust planting beds as needed to provide for and maintain proper positive drainage.
- All disturbed areas shall be seeded or sodded as specified.
- All ground mounted equipment or meters must be screened by landscaping, fencing or other approved measures to the satisfaction of staff, unless the equipment is required to maintain visibility and access, or adhere to other codes. Additional plant material may be required to screen utility equipment not shown on these plans.
- A fully automated, professionally designed irrigation system shall be installed having proper head to head coverage.
- Keep all irrigation lines and apparatus and landscape materials within the property boundaries, and out of city right-of-way. Except as otherwise required.
- Adjust irrigation spray to limit waste of water and prevent spray into street.
- Backflow preventers shall be located in the general location illustrated on the landscape plan. Incorporate the lowest profile cover available and screened with evergreen shrubs. Faux stone covers shall be prohibited.**

LINE & CURVE DATA:

TAG	LENGTH	DIRECTION	RADIUS	DELTA	CH LENGTH	CH DIRECTION
(L1)	16.50'	S 15° 30' 29" E				
(C1)	71.27'		282.50'	14° 27' 15"	71.08'	S 73° 45' 49" W
(C2)	3.93'		2.50'	89° 59' 59"	3.54'	S 60° 30' 29" E
(C3)	22.78'		14.50'	89° 59' 45"	20.51'	N 29° 29' 39" E



MULTI-TRUNK TREE



SHRUB

SITE DATA:

TOTAL SITE AREA: 12,322 SF/ 0.283 AC
BUILDING AREA: ±4,212 SF
FLOOR AREA RATIO: 0.34

PLANT SCHEDULE

CODE	QTY	COMMON / BOTANICAL NAME	SIZE	ROOT	REMARKS
TREES					
AA2	2	Autumn Blaze Freeman Maple / Acer x freemanii 'Jeffersd' TM	2" Cal.	B&B	
CO	1	Oklahoma Redbud / Cercis canadensis texensis 'Oklahoma'	1.5" Cal.	B&B	
PY	3	Yoshino Cherry / Prunus x yedoensis	1.5" Cal.	B&B	
QP	4	Willow Oak / Quercus phellos	2" Cal.	B&B	
SHRUBS					
HO	14	Stella de Oro Daylily / Hemerocallis x 'Stella de Oro'	1 gal.	Pot	18" o.c.
IS5	6	Soft Touch Japanese Holly / Ilex crenata 'Soft Touch'	3 gal.	Pot	24" o.c.
GROUND COVERS					
SOD	13,361 sf	Bermuda Grass / Cynodon dactylon '419 Hybrid'		sod	

DRAFT

NOTE:
THIS PLAN IS INTENDED TO SPECIFY PLANT MATERIAL ONLY. REFER TO ARCHITECTURAL AND/OR CIVIL ENGINEERS PLANS FOR ALL SITE AND/OR BUILDING ELEMENTS SHOWN.

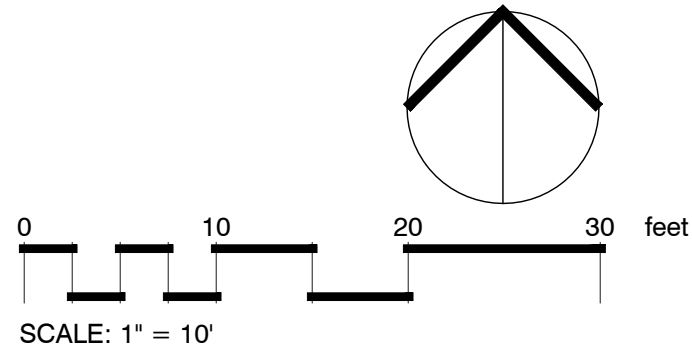


REVISION		
ITEM NO.	DESCRIPTION OF CHANGE	APPROVAL DATE

LAKELAND COMMONS, PMUD
AREA B, LOT 9
LAKELAND COMMONS, LLC 355 TARA LANE MEMPHIS, TN 38111

UTILITY LEGEND (Where Applicable)

- SS = SANITARY SEWER SERVICE LINE
- G = NATURAL GAS LINE
- E = ELECTRIC LINE
- W = WATER MAIN LINE
- W = FIRE PROTECTION LINE
- SD = STORM DRAIN
- SD = STORM DRAIN MANHOLE
- SS = SANITARY SEWER MANHOLE
- FH = FIRE HYDRANT
- T = ELECTRICAL TRANSFORMER



SHEET 1 OF 1
DIVISION OF PLANNING
LANDSCAPE PLAN
4826 VILLAGE MARKET LANE
LAKELAND, TENNESSEE

SURVEY: MLS DATE: 05-20-15
DESIGNED BY: ILS, PLLC
DRAWN BY: CBB DATE: 09/25/2024 BOOK:
CHECKED BY: CBB DATE: 09/25/2024 SCALE: 1" = 10'-0"

LAKELAND COMMONS-PH. 2 LOT CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD DIRECTION
C1	47.12'	30.00'	90°00'05"	42.43'	S68°27'46"E
C2	103.54'	162.00'	36°37'11"	101.79'	S5°09'08"E
C3	20.70'	238.00'	4°58'58"	20.69'	S10°39'58"W
C4	98.36'	238.00'	23°40'42"	97.66'	S3°39'52"E
C5	128.35'	523.00'	14°03'39"	128.03'	S22°32'03"E
C6	106.77'	462.00'	13°14'30"	106.54'	S22°56'38"E
C7	47.50'	14416.60'	0°11'20"	47.50'	S73°59'54"W
C8	338.89'	5190.00'	3°44'28"	338.83'	S72°13'20"W
C9	339.13'	1527.00'	12°43'29"	338.43'	S63°59'21"W
C10	58.66'	1527.00'	2°12'03"	58.65'	S56°31'35"W
C11	157.18'	5100.00'	1°45'57"	157.18'	S56°18'32"W
C12	81.98'	14416.60'	0°19'33"	81.98'	N73°26'20"E
C17	71.27'	282.50'	14°27'15"	71.08'	S73°45'49"W
C18	171.39'	323.09'	30°23'38"	169.39'	S81°51'18"W
C19	32.99'	21.00'	90°00'01"	29.70'	N40°32'32"W
C21	109.95'	559.50'	11°15'35"	109.77'	N67°10'11"E
C22	31.20'	21.00'	85°06'48"	28.41'	S46°00'44"E
C23	83.10'	238.00'	20°00'23"	82.68'	S13°27'32"E
C24	47.12'	30.00'	89°59'55"	42.43'	S21°32'14"W
C30	94.50'	217.50'	24°53'41"	93.76'	N78°59'02"E
C31	161.14'	5127.00'	1°48'03"	161.14'	N56°19'35"E
C32	390.75'	1500.00'	14°55'32"	389.65'	N62°53'19"E
C33	337.13'	5163.00'	3°44'28"	337.07'	N72°13'20"E
C34	198.98'	14443.60'	0°47'22"	198.98'	N73°41'53"E
C35	76.00'	14416.60'	0°18'07"	76.00'	N73°45'10"E
C36	117.42'	597.50'	11°15'35"	117.23'	N67°10'11"E
C39	3.93'	2.50'	89°59'59"	3.54'	S60°30'29"E
C40	22.78'	14.50'	89°59'45"	20.51'	N29°29'39"E
C41	44.61'	162.00'	15°46'38"	44.47'	S7°36'54"E
C42	33.41'	21.00'	91°09'27"	30.00'	S45°51'09"W
C43	51.48'	282.50'	10°26'25"	51.41'	S86°12'39"W
C44	3.02'	14.50'	11°54'52"	3.01'	N21°27'39"W
C45	186.40'	382.50'	27°55'16"	184.56'	N80°29'50"E
C46	32.99'	21.00'	89°59'59"	29.70'	N49°27'28"E
C47	109.70'	447.00'	14°03'39"	109.42'	S22°32'03"E
C48	124.34'	538.00'	13°14'30"	124.06'	S22°56'38"E

LAKELAND COMMONS - PH. 2 LOT LINE TABLE			LAKELAND COMMONS - PH. 2 LOT LINE TABLE			LAKELAND COMMONS - PH. 2 LOT LINE TABLE		
LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION	LINE #	LENGTH	DIRECTION
L1	74.97'	N26°11'49"W	L21	49.80'	N7°36'28"E	L47	72.98'	N72°47'59"E
L2	111.04'	N24°00'16"E	L22	65.16'	N53°53'05"E	L48	57.52'	N61°32'24"E
L3	84.36'	N11°06'38"W	L23	20.53'	N14°45'00"E	L49	38.00'	N85°58'13"W
L4	79.45'	N38°15'18"E	L24	29.35'	N30°50'26"W	L50	38.00'	S85°58'13"E
L5	87.89'	N53°45'39"E	L25	44.14'	N30°50'26"W	L54	10.00'	S23°27'49"E
L6	86.80'	N31°45'37"E	L26	27.63'	N20°56'51"W	L55	24.00'	S23°27'49"E
L7	58.77'	N23°57'28"E	L27	110.59'	N15°44'48"W	L56	58.05'	S13°48'44"E
L8	60.92'	N18°02'28"E	L28	21.00'	N23°27'49"W	L57	146.70'	N74°31'10"E
L9	27.94'	N51°26'20"E	L29	57.55'	S23°27'43"E	L58	143.27'	S15°29'58"E
L10	84.96'	N84°57'08"E	L30	0.81'	S13°09'27"W	L59	65.47'	N73°04'24"E
L11	53.84'	N54°53'24"E	L31	81.30'	S16°19'23"E	L60	142.38'	S15°37'52"E
L12	134.45'	N35°11'40"E	L34	72.94'	N66°32'11"E	L61	47.75'	S15°30'03"E
L13	67.28'	N73°25'06"E	L35	25.30'	S85°58'13"E	L62	57.05'	N74°29'44"E
L14	21.73'	N29°09'20"E	L38	82.15'	S88°34'08"E	L63	16.50'	S15°30'29"E
L15	30.57'	N17°06'54"E	L39	57.55'	S23°27'43"E	L64	66.32'	N15°30'13"W
L16	51.57'	N15°40'26"E	L41	36.85'	N61°32'24"E	L65	113.00'	N74°29'32"E
L17	40.75'	N14°43'29"W	L42	71.75'	N72°47'59"E	L66	16.64'	S85°32'32"E
L18	55.17'	N42°39'21"W	L44	27.18'	N26°11'49"W	L67	116.79'	S66°32'11"W
L19	75.31'	N19°48'47"E	L45	27.87'	S2°23'36"E	L68	89.69'	N88°34'08"W
L20	133.84'	N6°06'02"E	L46	38.02'	S15°20'45"E			

LAKELAND COMMONS P.D. LOT AREA SETBACKS			
AREA	FRONT	SIDE	REAR
A	50-US 70 25-VML	20	25
A-1	50-US 70 25-VML	20	25
B	40-S.T. 10-SVL	20	20
C	50-M/A 9-VML	25	25
D	50-M/A 9-VML	20	ZONE 2 SMB

US 70 - U.S. HWY. 70
VML - VILLAGE MARKET LANE
SVL - SHADY VILLAGE LANE
M/A - MEMPHIS/ARLINGTON RD
ST - SEEDTICK RD.

LAKELAND COMMONS P.D. LOT AREAS		
LOT #	SIZE(acs.)	AREA
1	8.78	D
2	10.25	B & C
3	1.89	A1
4	1.02	A
5	1.22	A
6	1.22	A
7	1.67	A
8	0.81	B
9	0.28	B
10	7.54	D
TOTAL	34.68	

FINAL PLAT
**LAKELAND COMMONS PLANNED
MIXED USE DEVELOPMENT
AREA B & D - PHASE 2**

LAKELAND, TENNESSEE

DIST. 01- BLOCK 50- PARCEL 479
TOTAL AREA: 1,510,456 SF, (34.68 ACRES)
TOTAL LOTS: 8, EX. ZONING: AG (PMUD Overlay)

DATE: APRIL, 2022 SCALE: 1"= 100'

DEVELOPER: LAKELAND COMMONS L.L.C.
ADDRESS: 355 TARA LANE,
MEMPHIS, TN 38111

22047593-
04/27/2022 12:52:42 PM
BK 296 PG 16
Shelandra Y. Ford
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



CERTIFICATE OF ENGINEER
State of Tennessee
County of Shelby

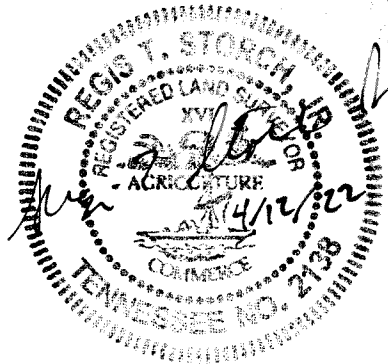
I, Wesley Woolbridge, a Professional Engineer, do hereby certify that the design of public and private improvements provided for in the Preliminary Plat / Construction Plans / Final Plat (whichever is applicable) are in accordance with acceptable engineering practices, the Tennessee Department of Environment and Conservation, City of Lakeland Manual for Public Works and Materials Specifications, and all City of Lakeland ordinances, including Subdivisions.

In witness whereof, I the said Wesley Woolbridge, a Professional Engineer, hereunto set out hand and affix my seal this 9th day of April, 2022.
Tennessee Registration No. 184878
Professional Engineer



CERTIFICATE OF SURVEYOR (EXTERIOR BOUNDARY ONLY)
State of Tennessee
County of Shelby

I, REGIS T. STORCH, JR., hereby certify that this plat was prepared from notes taken during an actual survey made by me during the month of DECEMBER, 2018, and that this Plat or Site Plan correctly represents said survey. All bearings are referenced to the 1983 Tennessee State Plane Coordinate System; all new property corners are marked in accordance with Lakeland Subdivision Standards; the precision of the unadjusted survey is 1:10,000 or greater and all special flood hazard areas are properly located as per the latest Flood Insurance Rate Map. All dimensions are expressed in feet and decimals. All bearings, distances, and field information are true and correct to the best of my knowledge. In witness whereof, I the said REGIS T. STORCH, JR., a Land Surveyor, hereunto set out hand and affix my seal this 2th day of APRIL, 2022.
Tennessee Registration No. 2138



CERTIFICATE OF MUNICIPAL PLANNING COMMISSION APPROVAL -
SUBDIVISION

I, JEFF ADAMS, do hereby certify that the City of Lakeland Municipal Planning Commission has approved this Preliminary / Final Plat (whichever is applicable). The signing of this certificate shall in no way be deemed to constitute or effect an acceptance of the dedication of any street, improvement, or other ground shown upon the plat.
Date: 4/26/22

MPC Secretary Jeff Adams

CERTIFICATE OF CITY ENGINEER

Construction Plans are Inspected and Approved by the City Engineer
This 26th day of April, 2022.

City Engineer _____

CERTIFICATE OF MORTGAGEE AND DEDICATION

The undersigned mortgagee, Simmons Bank, hereby certify that they are the mortgagee of the foregoing property and that the plat is with the free consent and in accordance with the desires of the above named owners, proprietors, do hereby dedicate to the City of Lakeland all Public Improvements, Easements, or lands herein specifically identified for dedication, for the purposes of operation, construction and maintenance of these improvements, as needed for the proper development and maintenance of said Subdivision.

Date: 4/11/2022

Signature of Mortgagee Long Mark

Include Notary Seal and Signature

STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned a notary public in and for the State and County aforesaid, duly commissioned and qualified, personally appeared Renaissance Group Center, subdivision, and he as such representative executed the foregoing instrument for the purpose therein contained by signing his name as representative of the mortgagee.

In witness whereof, I hereunto set out hand and affix my seal this 11th day of April, 2022.

Notary Public Shelandra Y. Ford

My Commission expires: 9/7/2022



CERTIFICATE OF OWNER(S) AND DEDICATION

The undersigned owner, Lakeland Town Center, LLC, hereby certify that they are the owners of the foregoing property and that the plat is with the free consent and in accordance with the desires of the above named owners, proprietors, do hereby dedicate to the City of Lakeland all Public Improvements, Easements, or lands herein specifically identified for dedication, for the purposes of operation, construction and maintenance of these improvements, as needed for the proper development and maintenance of said Subdivision.

Date: April 11, 2022

Signature of Owner(s) Monty Smith

Include Notary Seal and Signature

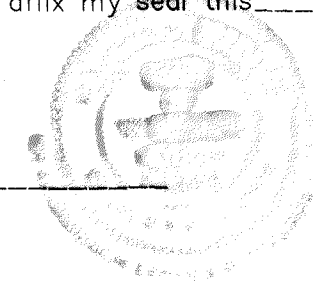
STATE OF TENNESSEE
COUNTY OF SHELBY

Before me, the undersigned a notary public in and for the State and County aforesaid, duly commissioned and qualified, personally appeared Renaissance Group Center, subdivision, and he as such representative executed the foregoing instrument for the purpose therein contained by signing his name as representative of the mortgagee.

In witness whereof, I hereunto set out hand and affix my seal this 11th day of April, 2022.

Notary Public Shelandra Y. Ford

My Commission expires: 9/7/2022



THE AREAS DENOTED AS "RESERVED FOR STORM WATER DETENTION" MAY NOT BE ALTERED WITHOUT FIRST OBTAINING THE WRITTEN PERMISSION FROM THE CITY OF LAKELAND DEPARTMENT OF ENGINEERING. THE STORM WATER DETENTION SYSTEM LOCATED IN THIS AREA SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED DRAINAGE PLANS ON FILE IN THE CITY OF LAKELAND DEPARTMENT OF ENGINEERING. SUCH MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO: REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH; MOWING; OUTLET CLEANING; AND REPAIR OF DRAINAGE STRUCTURES.

PRIOR TO APPROVAL OF THE FINAL PLAT, AN AS-BUILT SURVEY OF THE DETENTION POND SHALL BE PERFORMED BY A REGISTERED LAND SURVEYOR. THE DEVELOPER'S ENGINEER SHALL SUBMIT THE AS-BUILT SURVEY WITH CALCULATIONS OF THE INCREMENTAL STORAGE AREA AND VOLUME AT MINIMUM 1' ELEVATION INCREMENTS, ALONG WITH A COMPARISON TO DESIGN INFORMATION PROVIDED IN THE DRAINAGE REPORT. THE ENGINEER SHALL SUBMIT A LETTER AND SUPPORTING MATERIALS TO THE CITY ENGINEER, DOCUMENTING THE AS-BUILT FUNCTIONALITY OF THE DETENTION POND.

FINAL PLAT
**LAKELAND COMMONS PLANNED
MIXED USE DEVELOPMENT
AREA B & D - PHASE 2**

LAKELAND, TENNESSEE

DIST. 01- BLOCK 50- PARCEL 479

TOTAL AREA: 1,510,456 SF, (34.68 ACRES)

TOTAL LOTS: 8, EX. ZONING: AG (PMUD Overlay)

DATE: MARCH, 2022 SCALE: 1"= 100'

DEVELOPER: LAKELAND COMMONS L.L.C.
ADDRESS: 355 TARA LANE,
MEMPHIS, TN 38111

22047593-
04/27/2022 12:52:42 PM
BK 296 PG 16
Shelandra Y. Ford
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Renaissance Group
architecture • engineering • planning • interiors
9700 Village Circle, Suite 100, Lakeland, TN 38002 (931) 902-3552 www.rgroup.biz



Board of Commissioners

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - approving Change Order #3 to the Chambers Chapel Drainage Improvements Project.

Staff Contact: Paul Posey, Staff Engineer

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-4-2025.

BUDGET IMPACT

This expenditure is appropriated in the Fiscal Year 2025 Storm Water Fund.

DISCUSSION

The City entered into a contract with Trey Construction Inc. to improve the drainage on Chambers Chapel Road on May 2, 2024. Change Order #1 and #2 increased the contract timeline due to workload/weather pushback. Change Order #3 is a request to increase the original contract price by \$16,961.75, bringing the total contract price from \$114,428.00 to \$131,389.75. For the completion and integrity of the project and headwall, the contractor utilized a larger riprap size as the original size was not available. The larger stone resulted in an increase in project cost which is reflected in Change Order #3.

RESOLUTION R-4-2025

APPROVING CHANGE ORDER #3 TO THE CHAMBERS CHAPEL DRAINAGE
IMPROVEMENTS PROJECT

WHEREAS, Trey Construction, Inc. is under contract for the Chambers Chapel Road Drainage Improvements Project; and,

WHEREAS, Change Order #3 includes increased pricing for larger riprap utilized; and,

WHEREAS, Change Order #3 will increase the contract Sixteen Thousand Nine Hundred Sixty-One Dollars and Seventy-Five Cents (\$16,961.75) for a total contract price of One Hundred Thirty-One Thousand Three Hundred and Eighty-Nine Dollars and Seventy-Five Cents (\$131,389.75); and,

WHEREAS, funding for Change Order #3 will be appropriated in the Fiscal Year 2025 Storm Water Fund:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland Tennessee, that the City Manager is hereby authorized and directed to execute, and the City Recorder to attest, Change Order #3 with Trey Construction, Inc. for the Chambers Chapel Drainage Improvements Project contract in the amount of one hundred thirty-one thousand three hundred and eighty-nine dollars and seventy-five cents. (\$131,389.75).

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee on this 16th day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

Date of Issuance: January 16, 2025

Effective Date: January 16, 2025

Owner: City of Lakeland

Owner's Contract No.:

Contractor: Trey Construction, Inc.

Contractor's Project No.:

Engineer:

Engineer's Project No.:

Project: Chambers Chapel Drainage Improvements

Contract Name:

The Contract is modified as follows upon execution of this Change Order:

Description: Increasing contract price to incorporate Contractor's additional workload necessary to incorporate erosion control measures for the sustainability of the new headwalls.

Attachments: [List documents supporting change]

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$114,428.00	Original Contract Times: Substantial Completion: <u>July 19, 2024</u> Ready for Final Payment: <u>July 26, 2024</u> days or dates
Increase from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : \$ <u>0</u>	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>114,428</u>	Contract Times prior to this Change Order: Substantial Completion: <u>October 25, 2024</u> Ready for Final Payment: <u>November 1, 2024</u> days or dates
Increase of this Change Order: \$16,961.75	Increase of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$114,428.00	Contract Times with all approved Change Orders: Substantial Completion: <u>October 25, 2024</u> Ready for Final Payment: <u>November 1, 2024</u> days or dates

RECOMMENDED:

ACCEPTED:

ACCEPTED:

By: _____
Engineer (if required)

By: _____
Owner (Authorized Signature)

By: _____
Contractor (Authorized Signature)

Title:

Title

Title

Date: _____

Date _____

Date _____

Approved by Funding Agency (if applicable)

By: _____

Date:

Title: _____



Board of Commissioners

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - approving an agreement with ABES Contracting, LLC for the Fiscal Year 2025 Concrete Project.

Staff Contact: Luis Camarillo Hernandez, Staff Engineer

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-1-2025.

BUDGET IMPACT

This expenditure is appropriated in the Fiscal Year 2025 annual budget for the State Street Aid Fund.

DISCUSSION

The City of Lakeland Fiscal Year 2025 concrete project includes replacing curbs and gutter and ADA ramps within the Stonebridge Subdivision Sections 1A, A, A1, and B. Additionally, a sidewalk in the southeast corner of City Hall will be extended. The City received six (6) sealed bids on January 7, 2025. Bids received are as listed in the table below.

BIDDER	BID AMOUNT
Wagner General Contractors, Inc.	\$432,939.00
Bluff City Construction Co, LLC	\$359,437.00
Gibson Paving, Inc.	\$366,650.00
Barnes & Brower, Inc.	\$499,982.89
ABES Contracting, LLC	\$321,000.00
Delgado General Corporation	\$329,410.00

The City has reviewed the bids and recommends awarding the agreement to the lowest, qualified bidder, ABES Contracting, LLC.

RESOLUTION R-1-2025

APPROVING AN AGREEMENT WITH ABES CONTRACTING LLC FOR THE FISCAL
YEAR 2025 (FY25) CONCRETE PROJECT

- WHEREAS,** The City of Lakeland, Tennessee, (the “City”) desires to replace the curb and gutter and ADA ramps within the Stonebridge Subdivision. Additionally, a sidewalk in the southeast corner of City Hall will be extended; and,
- WHEREAS,** The City also desires to extend a sidewalk in the southeast corner of City Hall; and,
- WHEREAS,** ABES Contracting, LLC was the lowest qualified bidder on January 7, 2025, for the FY25 Concrete Project; and,
- WHEREAS,** ABES Contracting, LLC is willing and able to provide these services as specifies in the agreement; and,
- WHEREAS,** funding for this agreement is appropriated in the original budget for FY25 State Street Aid Fund.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager is hereby authorized to execute, and the City Recorder attest, an agreement with ABES Contracting, LLC in the amount of three hundred twenty-one thousand dollars (\$321,000) for the FY25 Concrete Project.

BE IT FURTHER RESOLVED that the Board of Commissioners authorize an additional Twenty Thousand Dollars (\$20,000) for a construction contingency fund to be used to pay for items that may arise outside of the unit bid prices and for unforeseen work and that the City Manager is hereby authorized to make verified partial payments when necessary throughout the project to a total fixed cost amount of Three Hundred Forty-One Thousand Dollars (\$341,000).

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 16th day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

STANDARD FORM OF
AGREEMENT BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is made between the City of Lakeland, hereinafter referred to as the "Owner," and ABES Contracting, LLC hereinafter referred to as the "Contractor."

WHEREAS, the City of Lakeland is desirous of laying concrete; and,

WHEREAS ABES Contracting, LLC is able and willing to provide those services to the City of Lakeland, Tennessee.

NOW, THEREFORE, it is hereby agreed as follows:

ARTICLE 1. WORK.

Contractor shall perform all the work required by the Contract documents for FY25 CONCRETE PROJECT , Lakeland, Tennessee.

ARTICLE 2. ENGINEER.

The Project has been designed by the City of Lakeland Engineering Office, 10001 U.S. Highway 70, Lakeland, Tennessee, who is hereinafter referred to as the "Engineer" and who is to act as Owner's representative, assume all duties and responsibilities and have the rights and authority assigned to Engineer in the Contract documents in connection with completion of the Work in accordance with the Contract documents.

ARTICLE 3. CONTRACT TIME.

- 3.1 The Work will be substantially completed by May 23, 2025 and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions by May 30, 2025.
- 3.2 Liquidated Damages. Owner and Contractor recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not substantially completed by the time specified in Paragraph 3.1 above, plus any extension thereof allowed in accordance with Article 15 of the General Conditions. They also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding, the actual loss suffered by Owner if the Work is not substantially completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay Owner one Hundred Dollars (\$100.00) for each day that expires after the time specified in Paragraph 3.1 for substantial completion. After Substantial Completion, if the Contractor shall neglect, refuse, or fail to complete the remaining work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by Owner, Contractor shall pay Owner One Hundred Dollars (\$100.00)

for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment. It is further agreed that such liquidated damages are not a penalty but represent the parties' best estimate of actual damages.

ARTICLE 4. CONTRACT PRICE.

In Consideration of the performance of the work in accordance with the Contract documents for this Unit Price Contract, Owner shall pay Contractor in current funds a not-to-exceed total contract price of Three Hundred Twenty-One Thousand Dollars (\$321,000), subject to additions and deductions by Change Order approved by the Owner. The contract fee shall be based on materials actually furnished and installed and services actually provided based on the unit prices contained in the Bid Form and Itemized Bid Schedule, included as Exhibit "A" (pages BF-1 -- BS-1) and by this reference made a part of this Agreement.

ARTICLE 5. PAYMENT PROCEDURES.

Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed through the Engineer as provided in the General Conditions.

- 5.1 Progress Payments. Owner shall make progress payments on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 25th day of each month during construction as provided below. All progress payments will be on the basis of the progress of the Work measured by the Schedule of Values provided for in Paragraph 15 of the General Conditions, subject to the cutoff and submittal dates provided in the General Provisions.
 - 5.1.1 During the course of the Contract progress payments will be made in an amount equal to 95% of the Work completed, less in each case the aggregate of payments previously made.
 - 5.1.2 In the event the Contractor makes only one application for payment upon substantially completing the Work, progress payment will be made in an amount equal to 95% of the Work completed. Owner shall withhold five percent (5%) of the work completed as retainage, said retainage to be paid in accordance with the provisions of Paragraph 5.2, Final Payment.
- 5.2 Final Payment. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Engineer shall recommend payment and present Contractor's Final Application for Payment to the City in accordance with Tennessee Statutes 54-5-122. Before final acceptance of the project as having been finally completed, the contractor shall furnish evidence of payment in full for materials and labor to the City in accordance with Tennessee 54-5-122. When this is done, full settlement may be made with the contractor, but not until thirty (30) day's notice is some newspaper published in the county where the work is done, if there is a newspaper there, and if not, in a newspaper in an adjoining county that

settlement is about to be made and notifying all claimants to file notice of their claims with the officials and the period for filing shall not be less than thirty (30) days after the last published notice. In the event claims are filed, the officials shall withhold a sufficient sum to pay the claims in the same way and manner as is provided for claimants making claims against contractors dealing with the Department of Transportation in accordance with Statutes 54-5-123, and claimants may bring suits against contractors in the way and manner provided in 54-5-124, as suits are brought against contractors dealing with the department. Where claims are allowed by the Courts, Statutes 54-5-125 and 54-5-127 shall be applicable.

ARTICLE 6. WITHHELD FUNDS.

Pursuant to Tennessee Statutes Section 66-11-104 et seq., withheld percentages for Contracts exceeding \$500,000.00 will be retained in an account in the name of the Contractor (except when specifically waived in writing by Contractor) which has been assigned to the Owner until the Contract is completely, satisfactorily, and finally accepted by the Owner. Unless a depository is designated by the Contractor in a written attachment hereto, the Contractor's signature hereon shall act as authority for the Owner to designate a retainage depository on behalf of the Contractor, for the purposes specified in Tennessee Statutes Section 66-11-104. The Contractor's signature hereon shall act as an assignment of the depository account to the Owner, as provided by Tennessee Statutes Section 66-11-104 et seq., whether the depository is designated by the Contractor or by the Owner.

ARTICLE 7. CONTRACTOR'S REPRESENTATIONS.

In order to induce Owner to enter into this Agreement, Contractor makes the following representations:

- 7.1 Contractor has familiarized himself with the nature and extent of the Contract documents, Work, locality, and with all local conditions and federal, state, and local Laws and Regulations that in any manner may affect cost, progress, or performance of the Work.
- 7.2 Contractor has studied carefully all reports of investigations and test of subsurface and latent physical conditions at the site or otherwise affecting cost, progress, or performance of the Work which were relied upon by Engineer in the preparation of the Drawings and Specifications and which have been identified in the Supplementary Conditions.
- 7.3 Contractor has made or caused to be made examinations, investigations, and test and studies as he deems necessary for the performance of the Work at the Contract price, within the Contract Time, and in accordance with the other terms and conditions of the Contract documents; and no additional examinations, investigations, tests, reports, or similar data are or will be required by Contractor for such purposes.
- 7.4 Contractor has correlated the results of all such observations, examinations, investigations, tests, reports, and data with the terms and conditions of the Contract documents.

- 7.5 Contractor has given Engineer written notice of all conflicts, errors, or discrepancies that he has discovered in the Contract documents and the written resolution thereof by Engineer is acceptable to Contractor.

ARTICLE 8. CONTRACT DOCUMENTS.

The Contract documents which comprise the entire agreement between Owner and Contractor are attached to this Agreement, made a part hereof and consist of the following:

- 8.1 This Agreement (Pages SFA-1 to SFA-5, inclusive).
- 8.2 Joint Account Agreement or Letter of Forfeiture waiving same (if applicable)
- 8.3 Exhibit "A" - Bid Form and Bid Schedule.
- 8.4 Affidavit of Drug Free Work Program
- 8.5 Addenda
- 8.6 Performance & Payment Bonds
- 8.7 Certificates of Insurance, of Workers' Compensation Coverage, and of Unemployment Insurance Coverage.
- 8.8 2013 Standard General Conditions of the Construction Contract (Pages i to 62, inclusive).
- 8.8 Standard Supplementary Conditions (Pages SSC-1 to SSC-16, inclusive).
- 8.9 General Requirements
- 8.10 Special Provisions (Section 01810)
- 8.11 Technical Specifications
- 8.12 Notice of Award.
- 8.13 Notice to Proceed.
- 8.14 Minutes of the Pre-Bid Conference, if any.
- 8.15 Shop Drawings and other Submittals furnished by Contractor during performance of the Work and accepted by the Owner.

8.16 Any modifications, amendments, and supplements, including Change Orders, issued pursuant to Article 11 of the General Conditions, on or after the effective date of this Agreement.

8.17 Notice of Substantial Completion.

ARTICLE 9. MISCELLANEOUS PROVISIONS.

9.1 The CONTRACTOR hereby agrees, warrants, and assures compliance with the provisions of Title VI and VII of the Civil Rights Act of 1964 and all other federal statutory laws which provide in whole or in part that no person shall be excluded from participation or be denied benefits of or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the CONTRACTOR on the grounds of handicap and/or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, Tennessee State Constitutional or statutory law. The CONTRACTOR shall upon request show proof of such non-discrimination and shall post in conspicuous places available to all employees and applicants notices of non-discrimination.

Terms used in this Agreement, which are defined in the General Conditions, shall have the meanings designated in those conditions.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in one (1) original copy on the day and year first above written.

APPROVED AS TO FORM:

(PROJECT: _____)

DATED this _____ day of _____, 2025

CONTRACTOR:

ATTEST:

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

By: _____
Cheyenne Carter
Title: City Recorder

OWNER:
CITY OF LAKELAND, TENNESSEE
A Municipal Corporation

By: _____
Michael Walker
Title: City Manager

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - approving an agreement with Wagner General Contractors, Inc. for the Fiscal Year 2025 (FY25) Adagio Lane Improvements Project.

Staff Contact: Luis Camarillo Hernandez, Staff Engineer

STAFF RECOMMENDATION

City Staff does not have a recommendation to the Board of Commissioners for Resolution R-2-2025.

BUDGET IMPACT

The expenditure is not appropriated in the Fiscal Year 2025 State Street Aid Fund and would require a budget amendment.

DISCUSSION

The Winstead Farms Homeowners Association ("HOA") contacted the Engineering Department with concerns related to speeding on Adagio Lane. Utilizing the City's Neighborhood Traffic Calming Policy ("NTCP"), a traffic study was conducted on two sections of Adagio Lane. The section of Adagio Lane between Highway 70 and Adagio Cove met the requirements for traffic calming measures. A neighborhood meeting was held on April 23, 2024, to present traffic calming options and receive feedback from residents. Of the options presented, a median at Adagio and Highway 70 was the only traffic calming measure supported by the majority of residents at the meeting. The NTCP requires the circulation of a petition to obtain signatures from 51% of affected owners supporting the project. The petition was returned with the required signatures and, per the NTCP, the City prepared plans and bid the project for construction.

The NTCP states that the project will be implemented according to priority and availability of funding. The project scored 25 out of 100 per the NTCP Screening Worksheet, indicating it a low priority and the project is not funded in the current fiscal year budget. Additionally, with the upcoming construction of Seed Tick Road, from Highway 70 to Old Brownsville Road, the traffic on Adagio Lane will decrease significantly. A traffic study will be conducted on Adagio Lane after the new Seed Tick Road construction to monitor traffic volume and speed.

The City received five (5) sealed bids on January 7, 2024. Bids received are as listed in the table below.

BIDDER	BID AMOUNT
Wagner General Contractors, Inc.	\$53,470.00
Bluff City Construction Co, LLC	\$95,770.00
*Gibson Paving, Inc.	*\$44,540.00
Barnes & Brower, Inc.	\$59,192.60
ABES Contracting, LLC	\$59,900.00

*The bidder did not use the updated Bid Schedule provided in Addendum #1 therefore the bid is invalid for use.
The NTCP allows the homeowner's association to fund 100% of the project if the City does not have funding available.

RESOLUTION R-2-2025

APPROVING AN AGREEMENT WITH WAGNER GENERAL CONTRACTORS, INC.
FOR THE FISCAL YEAR 2025 (FY25) ADAGIO LANE IMPROVEMENTS PROJECT

- WHEREAS,** the City of Lakeland, Tennessee, (the “City”) desires to place a center median island and striping at the intersection of Adagio Lane and Highway 70; and,
- WHEREAS,** Wagner General Contractors, Inc. was the lowest qualified bidder on January 7, 2025, for the Fiscal Year 2025 (“FY25”) Adagio Lane Improvements Project; and,
- WHEREAS,** Wagner General Contractors, Inc. is willing and able to provide these services as specified in the Contract documents; and,
- WHEREAS,** funding for this agreement will be appropriated in the FY25 State Street Aid Fund through budget amendment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager is hereby authorized to execute, and the City Recorder attest, an agreement with Wagner General Contractors, Inc. in the amount of Fifty-Three Thousand Four Hundred and Seventy Dollars (\$53,470) for the Fiscal Year 2025 Adagio Lane Improvement Project.

BE IT FURTHER RESOLVED that the Board of Commissioners authorize an additional Twenty Thousand Dollars (\$20,000) for a construction contingency fund to be used to pay for items that may arise outside of the unit bid prices and for unforeseen work and that the City Manager is hereby authorized to make verified partial payments when necessary throughout the project to a total fixed cost amount of Seventy-Three Thousand Four Hundred and Seventy Dollars (\$73,470).

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 16th day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

City of Lakeland, TN

Neighborhood Traffic Calming Policy



Lakeland City Hall
10001 Highway 70
Lakeland, TN 38002
(901) 867-2717

Prepared By: Kimley»Horn

Table of Contents

1.	Application.....	1
2.	Traffic Calming Review and Implementation Process	1
3.	Modification and Removal of a Traffic Calming Device.....	4
4.	Special Requirements for Installation of Speed Humps	Error! Bookmark not defined.
5.	Project Screening and Evaluation	4
6.	Traffic Calming Toolbox	7

1. Application

This policy applies to local, residential streets. Collector and arterial streets and streets that are located in commercial zoning districts will not be considered for traffic calming.

2. Traffic Calming Review and Implementation Process

Projects that are being considered for the Neighborhood Traffic Calming Policy (NTCP) must follow the procedure that is outlined below.

Step 1: Request for Traffic Calming Measures

Any resident of Lakeland may contact the City Engineer's Office concerning traffic concerns such as speeding or accidents on the street in front of his/her house or in his/her neighborhood. Prior to implementing any traffic control measures, the City Engineer will conduct a cursory review of the issues brought to their attention. This may include reviewing speed studies or collection of accident data and traffic volumes. Other traffic issues will be examined as the need arises. This evaluation will typically include a site visit. If the desire is to move toward installation of traffic calming measures as requested by the resident, the following criteria must generally be met:

- The Average Daily Traffic (ADT) volume is greater than or equal to 500 vehicles per day or 50 vehicles during a single hour.
- The 85th percentile speed is at least 7 mph faster than the posted speed limit.
- The posted speed limit is 30 mph or less. The legal speed limit for Lakeland on local streets is 25 mph.
- The street is a through street.
- The maximum grade on the section of roadway that is being considered for traffic calming measures does not exceed eight percent.
- The combination of vertical and horizontal curves along the roadway is not such that would result in an inadequate stopping sight distance for motorists as they encounter the traffic calming devices.
- A petition of support for traffic calming measures is signed by a majority of residents in a neighborhood where the traffic control measure is being considered.

If the Engineering staff determines that the street segment does not exceed the values listed above in either traffic volume or speed, then the project will be terminated. All documentation of the traffic study including the City Engineer's recommendation, traffic volume data, traffic speed and accident data (if collected) will be handed over to the applicant upon completion of the studies.

The project will be ineligible for the NTCP for a period of two years unless the City Engineer determines that changing conditions have resulted in a traffic volume or speeding problem. If the City Engineer determines that a street segment has a traffic volume or a traffic speeding problem, but the above criteria are not met, then the City Engineer will work with the Shelby County Sheriff's Office and neighborhood association to address the problem with education and enforcement efforts.

Step 2: Conduct Education and Enforcement Efforts

All projects in the NTCP will begin with education and enforcement efforts, which will involve the coordinated efforts of the City of Lakeland, the Shelby County Sheriff's Office, and the neighborhood association group. The neighborhood association group must actively participate in the process in order for the project to continue in the NTCP. Education and enforcement efforts will be applied for a period of not less than three months and not more than six months. If the City Engineer determines that these efforts have not sufficiently addressed the identified problem, then the project will proceed to **Step 3**.

If the City Engineer determines that the education and enforcement efforts have addressed the identified problem, then the project will be considered complete. Engineering staff will continue to monitor the project for a period of one year. If the identified problem returns during this time, then the Applicant will be notified, and the project will proceed to **Step 3**. If the identified problem does not develop during this one year period, then the project will be considered complete. If the identified problem returns after this one year period, or if a new traffic volume or speeding problem develops after this one year period, the homeowner's association group must return to **Step 1** in order to be considered for the NTCP again.

Step 3: Evaluate Problems and Identify Possible Solutions

If the City Engineer determines that a street segment has traffic volume or a traffic speed exceeding the criteria outlined in **Step 1** and the education and enforcement efforts were not effective, then the project will be included in the NTCP. The City Engineer will identify various options which are the most feasible and appropriate traffic calming solutions to address the identified traffic problems.

A homeowner's association (HOA) or homeowner's group (applicant) must then submit a written request for traffic calming on a specific street segment or segments to the Engineering Department. The applicant must identify the perceived traffic problem and must include contact information for a representative of the association/group. Individual citizens are not eligible to initiate projects for the NTCP, unless a HOA does not exist.

Examples of traffic calming techniques are provided in **Section 5**. The City Engineer will then attend a publicized neighborhood meeting to present the results of the initial analyses and the identified solutions. Based on comments received at the meeting, the City Engineer will revise the solutions as appropriate. The project will then proceed to **Step 4**.

Step 4: Circulation of a Petition

The applicant begins Step 4 with submitting a written request to initiate traffic calming measures. Upon receipt of the written request from the applicant, the City Engineer will begin this process by defining the petition area. The petition area will typically include the following:

- Properties along the street that is being considered for traffic calming measures
- Properties along streets where access is substantially dependent upon the street that is proposed to be calmed
- Properties along any street that is expected to receive significant increases, as determined by the City Engineer, in traffic volumes or types as a result of the traffic calming installation

Engineering staff will prepare a petition packet that includes the petition form, a copy of the NTCP policy, a map of the study area, the names and addresses of the property owners within the petition area, and an explanation of the NTCP procedures. The petition packet will be given to the Applicant, who will be responsible for acquiring the signatures on the petition.

Prior to conducting any work on the street, the petition and the traffic calming request must be presented at a neighborhood meeting that is publicized by the City of Lakeland in a manner that is consistent with Lakeland's standard procedures. Engineering staff will attend the meeting to present the traffic calming request, identify the study area, and to explain the NTCP procedures.

After the meeting, the requester must obtain supporting signatures, or "yes" votes, that represent 51 percent of the households within the petition area. Missing signatures will be counted as "no" votes. The requester will have 90 days after the date of the neighborhood meeting to submit the petition results to the Engineering Department.

If the petition is successful, then the proposed project will proceed to **Step 5**. If the petition fails, or if the petition is not returned by the petition deadline, then the project is terminated, and the neighborhood will be ineligible to submit another request for traffic calming for a period of one year.

Step 5: Develop Construction Documents

Based on the feasible and appropriate solutions identified by the Engineering staff during **Step 3**, the Engineering staff will develop a complete set of construction documents for the proposed traffic calming measures.

Step 6: Prioritize the Project

Projects that reach **Step 5** will be prioritized by the Engineering staff based on a variety of factors such as the traffic speeds, traffic volumes, and implementation costs. Engineering staff will notify the applicant of the project's status at this time. This prioritization will be used by Engineering staff to develop construction schedules for projects.

Step 7: Install the Proposed Traffic Calming Measures

The Project will be implemented according to priority and the availability of funding. Projects that have the highest priority will be implemented first. If sufficient funding is not available for all traffic calming projects, the highest priority will be implemented first. A lower-priority project can be implemented ahead of schedule if the neighborhood association group elects to pay 100 percent of the implementation costs. Installation of the traffic calming measures will be performed by City crews or a contractor that is selected by the City.

Step 8: Monitor the Effectiveness of the Traffic Calming Measures

Approximately three months after the proposed traffic calming devices have been installed, the City Engineer will evaluate the project to determine if the traffic calming devices have sufficiently addressed the traffic problem. If the traffic problem has been resolved, then the project will be considered complete. If the traffic problem has not been resolved, then the City Engineer will consider other solutions that were identified during **Step 3**. If an alternate solution is selected by the City Engineer or the HOA, then the project will return to **Step 4** to be further discussed. If Engineering staff determines that there are no feasible alternatives, then the project will be terminated and will not be considered for

inclusion in the NTCP again unless changing conditions have resulted in a feasible alternative. If this is the case, it will be the responsibility of the neighborhood association group to submit another written request for traffic calming to the City Engineering Department and the entire NTCP process must be repeated.

3. Modification and Removal of a Traffic Calming Device

3.1. Process

If Engineering staff determines that a traffic calming device should be modified or removed due to public health/safety reasons, then Engineering staff, with assistance from Public Works, shall modify or remove the device. If the neighborhood association/group wishes to remove or significantly alter a traffic calming device, then the neighborhood must conduct the same petitioning process outlined in **Step 4**. If the petition supporting the removing/modification is successful, then the neighborhood must pay for the costs that are associated with the removal/modification. A traffic calming device will not be removed until all payment agreements have been finalized. If the removal/modification is initiated by the neighborhood association group, then the neighborhood will be ineligible to participate in the NTCP for a period of five years.

4. Project Screening and Evaluation

Each NTCP will be evaluated and prioritized based on the criteria identified below. The screening and evaluation outlined in this section will be performed as a part of **Step 6**. These criteria are intended to capture the key characteristics of a specific location and include the following:

1. Traffic Conditions

- Vehicular volume
- Vehicular Speed
- Crash History

2. Community Information

- Number/density of potential users
- Proximity to people/trip generators

In addition to the quantitative criteria listed above, each project will be evaluated based on the following qualitative criteria (if applicable):

- Any future planned traffic/safety related improvements in the area
- Any existing/planned on-street bicycle facilities
- Coordination with other agencies/municipalities/utilities

The table below summarizes the screening criteria and the maximum number of points that may be assigned to each category.

Category	Criteria	What is measured?	Maximum Points
Transportation	Vehicular Volume	Roadway ADT	20
	Vehicular Speed	85 th Percentile Speed	30
	Crash History	Crash History (5 years)	20
		Bicycle/Pedestrian Related	10
Transportation Subtotal:			80
Community	User Density	Dwelling Units per linear mile	10
	Location Proximity	Distance to generators such as schools, parks, public transportation, etc.	10
Community Subtotal:			20
Total:			100

4.1. Vehicular Volume

Criteria	Points
ADT > 2,000 vehicles/day	20
1,500 vehicles/day < ADT < 2,000 vehicles/day	15
500 vehicles/day < ADT < 1,500 vehicles/day	10
ADT < 500 vehicles/day	0

4.2. Vehicular Speed

Criteria	Points
85 th Percentile Speed 16+ mph over posted speed limit	30
85 th Percentile Speed 11-15 mph over posted speed limit	25
85 th Percentile Speed 6-10 mph over posted speed limit	15
85 th Percentile Speed 1-5 mph over posted speed limit	10
85 th Percentile Speed at or below posted speed limit	0

4.3. Crash History (Total over past 5 years)

4.3.1. Add 10 points if any of the crashes in the 5-year history involved a pedestrian or bicyclist

Criteria	Points
6 total vehicle-only crashes	20
4 total vehicle-only crashes	15
2 total vehicle-only crashes	5
0 or 1 total vehicle-only crashes	0
Any crash involving bicycle or pedestrian?	10

4.4. User Density

Criteria	Points
50+ dwelling units per linear mile	10
30-49 dwelling units per linear mile	7
10-29 dwelling units per linear mile	4
Less than 10 dwelling units per linear mile	0

4.5. Location Proximity

Criteria	Points
Directly adjacent to generator	10
0 – 0.5 miles from generator	6
0.51 – 1.0 miles from generator	2
1+ miles from generator	0

5. Traffic Calming Toolbox

This section provides an overview of the different kinds of available traffic calming treatments that may be implemented as a part of this process. The traffic calming treatments included in this section are separated into three categories: passive, vertical, and horizontal. The estimated cost of each traffic calming treatment has been categorized using the following tiers:

- LOW: Less than \$5,000
- MEDIUM: \$5,000 - \$10,000
- HIGH: \$10,000 - \$25,000
- VERY HIGH: \$25,000+

In addition, smaller and less expensive traffic calming alternatives to the horizontal and vertical treatments are provided that may be applied in lieu of or in conjunction with the horizontal/vertical treatments.

5.1. Passive Traffic Calming Measures

1) Education

A majority of traffic problems are the result of human behavior. Education efforts such as neighborhood meetings, instructional seminars, workshops, etc. can help implement and direct traffic calming applications.

COST:	Low
ADVANTAGES:	Flexibility related to scheduling and duration; ability to address wide range of concerns/issues; inexpensive
DISADVANTAGES:	Difficult to measure effectiveness; community participation; may not generate immediate results

2) Targeted Enforcement

Through partnership with the Shelby County Sheriff's Office, targeted speed limit enforcement can be implemented in certain areas in response to citizen requests. Targeted speed limit enforcement may be considered to evaluate the level of speed reduction possible with more permanent traffic calming measures, and can be used in conjunction with new physical traffic calming measures to increase awareness.

COST:	Low - High (depending on duration of enforcement)
ADVANTAGES:	Immediate impact; inexpensive (if used temporarily); does not slow emergency vehicles; no design needed
DISADVANTAGES:	Problems may return after enforcement ends; expensive to implement over longer periods of time; requires additional coordination with SCSO

5.2. Vertical Traffic Calming Measures

1) Speed Cushion

Speed cushions are narrower speed humps that are typically installed in the center of each travel lane. Speed cushions are typically six feet in width and between seven to ten feet in length. Emergency vehicles are able to straddle speed cushions due to wider wheel track as opposed to speed humps, which extend the full length of the roadway.

COST:	Low
ADVANTAGES:	Inexpensive; effective at reducing vehicle speed; less expensive than speed humps; does not impact emergency vehicle speed
DISADVANTAGES:	Larger passenger vehicles may be able to straddle speed cushions; impacts maintenance equipment; increases noise/air pollution; can cause vehicles to enter opposing lanes of traffic as a way to avoid speed cushion

2) Raised Crosswalk

Raised crosswalks are located at pedestrian crossings and should be elevated to a height that matches the adjacent sidewalk, such that the raised crosswalk is flush with the curb and/or top of sidewalk at each end. Raised crosswalks must be installed with the appropriate sidewalk transitions on both sides in order to be compliant with the Americans with Disabilities Act of 1990.

COST:	Medium - High
ADVANTAGES:	Increases safety for pedestrians; effective at reducing vehicle speed; ability to improve aesthetics with brick or textured materials
DISADVANTAGES:	More expensive than speed humps; impacts maintenance equipment; increases noise/air pollution; cannot be installed if no sidewalk currently exists at each end; may include additional design and construction to ensure ADA compliance; potential drainage impacts

3) Raised Intersection

Raised intersections create a safer lower vehicular speed intersection by raising the entire intersection to be flush with the top of sidewalk adjacent to the roadway. They are similar to other vertical traffic calming measures in reinforcing slow vehicular speeds and increasing visibility of pedestrians at the intersection.

COST:	High
ADVANTAGES:	Effective at reducing vehicle speeds, Increases safety for pedestrians
DISADVANTAGES:	Very costly, only effective at minor lower-volume intersections, potential drainage impacts from raising the entire intersection.

5.3. Horizontal Traffic Calming Measures

1) Traffic Circle

Traffic circles are raised islands placed in intersections, forcing traffic to circulate around the raised island. The traffic circle is typically circular in shape and can include landscaping within the raised island. The raised island in the center of the intersection typically measures between 16 – 24 feet in diameter. Traffic circles can be controlled by Yield signs on all approaches, Stop signs on all approaches, or a combination of free-flow conditions along the major street and Stop signs along the minor street. Traffic circles prevent motorists from speeding through intersections by impeding the through movement.

COST:	High
ADVANTAGES:	Effective at reducing vehicle speed; ability to improve aesthetics with landscaping; reduces severity/number of crashes
DISADVANTAGES:	Difficult to navigate for larger vehicles; may require additional right-of-way; increased cost/labor for maintenance of improvements; may result in increased traffic volumes on side streets; potential drainage impacts

2) Roundabout

Roundabouts are typically larger than traffic circles and require additional right-of-way. The central island diameter of a roundabout typically measures between 55 – 110 feet. Roundabouts may require raised splitter islands to channel approaching traffic to the right.

COST:	Very High
ADVANTAGES:	Enhanced safety compared to new traffic signal; less expensive to maintain/operate than traffic signal; ability to improve aesthetics with landscaping; minimal or no impact to emergency vehicle response times; reduces vehicle speed on higher-volume roadways
DISADVANTAGES:	May require additional right-of-way and major reconstruction of an existing intersection; increases travel distance for pedestrians; potential drainage impacts

3) Chicane

Chicanes are curb extensions that alternate from one side of the street to the other, creating an S-shaped travel pattern. Raised landscape islands or delineators are usually provided at both ends of a chicane in order to enhance the motorist's awareness of the need for a lateral shift. Along a section of roadway that contains a chicane, on-street parallel parking may be restricted along property frontages due to curb and gutter.

COST:	High
ADVANTAGES:	Reduces vehicle speed by forcing horizontal deflection; easy to navigate for emergency vehicles; ability to improve aesthetics with landscaping
DISADVANTAGES:	Requires additional design considerations to prevent motorists from deviating out of appropriate lane; potential drainage impacts; requires curb realignment; increased cost/labor for maintenance

4) Intersection Bulbout

Intersection bulbouts may also be referred to as intersection narrowing or curb extensions. These curb extensions reduce the width of the roadway at intersections, reducing speeds when motorists experience the physical perception of a narrow roadway. The curb extensions may consist of concrete curb, bollards, or any other obstruction deemed appropriate. Intersection treatments reduce vehicle travel speeds by tightening the curb radii. Bulbouts improve pedestrian safety by providing a refuge for pedestrians and reducing the required crossing distance. Intersection treatments can be retrofitted into an existing intersection without modifying the existing drainage, or they can be designed to provide additional sidewalk width for increased pedestrian use or street furniture. As a result, pedestrian comfort and safety at the intersection are increased.

COST:	Medium – High
ADVANTAGES:	Increases pedestrian safety; easy to navigate for large vehicles and emergency vehicles; prevents parking near intersections; ability to improve aesthetics with landscaping
DISADVANTAGES:	Intersection treatments increase the difficulty for right-turn movements for emergency vehicles; may conflict with on-street bike lanes; minor reduction in on-street parking; increased cost/labor for maintenance

5) Center Island Median

Center island medians are raised islands located along the centerline of a street that narrow the travel lanes at that location in each direction. The presence of a median, resulting in a smaller roadway width, reduces speeds when motorists experience the physical perception of a narrow roadway. The medians are often landscaped to provide visual amenity; they can also contain curb extensions that consist of concrete curbing, a line of bollards, or any other obstruction deemed appropriate. The median island can act as a “gateway” when placed at the entrance to a neighborhood. A median island of adequate width can also be referred to as a “pedestrian refuge” if located at a crosswalk and the median is accommodating for pedestrians.

COST:	Medium – High
ADVANTAGES:	Ability to improve aesthetics with landscaping; eliminates possibility of vehicles using median to make illegal passing maneuvers; reduces vehicle speed
DISADVANTAGES:	May impact driveway access to adjacent properties; increased cost/labor for maintenance of landscaping; limited effectiveness due to absence of vertical deflection

6) Striping

Roadway striping serves to delineate function within different areas of the street. Striping is a simple solution that can be used to delineate narrower travel lanes, clearly mark pedestrian crossings, and create buffer areas between parking, bike lanes, and various other elements to raise driver awareness and reduce vehicle speeds.

COST:	Low
ADVANTAGES:	Inexpensive; effective at reducing vehicle speed and organizing the roadway based on function; easy to install
DISADVANTAGES:	Some maintenance responsibilities over time; does not physically deter drivers from speeding

Lakeland NTCP Screening Tool - Summary Table				
Category	Criteria	What is measured?	Maximum Points	
Transportation	Vehicular Volume	Roadway ADT	20	10
	Vehicular Speed	85th Percentile Speed	30	15
	Crash History	Crash History (5 years)	20	0
		Bicycle/Pedestrian Related	10	0
Transportation Subtotal:			80	25
Community	User Density	Dwelling Units per linear mile	10	
	Location Proximity	Distance to generators such as schools, parks, public transportation, etc.	10	0
Community Subtotal:			20	
Total:			100	25

TRANSPORTATION

Vehicular Volume		
Criteria	Points	Check if Applicable
ADT > 2,000 vehicles/day	20	☐
1,500 vehicles/day < ADT < 2,000 vehicles/day	15	☐
500 vehicles/day < ADT < 1,500 vehicles/day	10	☒
ADT < 500 vehicles/day	0	☐

Vehicular Speed		
Criteria	Points	Check if Applicable
85th Percentile Speed 16+ mph over posted speed limit	30	☐
85th Percentile Speed 11-15 mph over posted speed limit	25	☐
85th Percentile Speed 6-10 mph over posted speed limit	15	☒
85th Percentile Speed 1-5 mph over posted speed limit	10	☐
85th Percentile Speed at or below posted speed limit	0	☐

Crash History (Total over past 5 years)		
Criteria	Points	Check if Applicable
6 total vehicle-only crashes	20	☐
4 total vehicle-only crashes	15	☐
2 total vehicle-only crashes	5	☐
0 or 1 total vehicle-only crashes	0	☒
Any crash involving bicycle or pedestrian?	10	☐

Project Name: Adagio Lane (US 70 to Adagio Cove)

Date: 10/24/2023

Note: Check boxes below to populate values for the "Actual Points" column in the summary table to the left.

Uncheck All Boxes

COMMUNITY

User Density		
Criteria	Points	Check if Applicable
50+ dwelling units per linear mile	10	☐
30-49 dwelling units per linear mile	7	☐
10-29 dwelling units per linear mile	4	☒
Less than 10 dwelling units per linear mile	0	☐

Location Proximity		
Criteria	Points	Check if Applicable
Directly adjacent to generator	10	☐
0 – 0.5 miles from generator	6	☐
0.51 – 1.0 miles from generator	2	☐
1+ miles from generator	0	☒

STANDARD FORM OF
AGREEMENT BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is made between the City of Lakeland, hereinafter referred to as the "Owner," and Wagner General Contractors, Inc., hereinafter referred to as the "Contractor."

WHEREAS, the City of Lakeland is desirous of laying concrete; and,

WHEREAS Wagner General Contractors, Inc. is able and willing to provide those services to the City of Lakeland, Tennessee.

NOW, THEREFORE, it is hereby agreed as follows:

ARTICLE 1. WORK.

Contractor shall perform all the work required by the Contract documents for FY25 ADAGIO LANE IMPROVEMENTS PROJECT , Lakeland, Tennessee.

ARTICLE 2. ENGINEER.

The Project has been designed by the City of Lakeland Engineering Office, 10001 U.S. Highway 70, Lakeland, Tennessee, who is hereinafter referred to as the "Engineer" and who is to act as Owner's representative, assume all duties and responsibilities and have the rights and authority assigned to Engineer in the Contract documents in connection with completion of the Work in accordance with the Contract documents.

ARTICLE 3. CONTRACT TIME.

- 3.1 The Work will be substantially completed by April 18, 2025 and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions by April 25, 2025.
- 3.2 Liquidated Damages. Owner and Contractor recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not substantially completed by the time specified in Paragraph 3.1 above, plus any extension thereof allowed in accordance with Article 15 of the General Conditions. They also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding, the actual loss suffered by Owner if the Work is not substantially completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay Owner one Hundred Dollars (\$100.00) for each day that expires after the time specified in Paragraph 3.1 for substantial completion. After Substantial Completion, if the Contractor shall neglect, refuse, or fail to complete the remaining work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by Owner, Contractor shall pay Owner One Hundred Dollars (\$100.00)

SFA-1

for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment. It is further agreed that such liquidated damages are not a penalty but represent the parties' best estimate of actual damages.

ARTICLE 4. CONTRACT PRICE.

In Consideration of the performance of the work in accordance with the Contract documents for this Unit Price Contract, Owner shall pay Contractor in current funds a not-to-exceed total contract price of Fifty-Three Thousand Four Hundred and Seventy Dollars (\$53,470.00), subject to additions and deductions by Change Order approved by the Owner. The contract fee shall be based on materials actually furnished and installed and services actually provided based on the unit prices contained in the Bid Form and Itemized Bid Schedule, included as Exhibit "A" (pages BF-1 -- BS-1) and by this reference made a part of this Agreement.

ARTICLE 5. PAYMENT PROCEDURES.

Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed through the Engineer as provided in the General Conditions.

- 5.1 Progress Payments. Owner shall make progress payments on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 25th day of each month during construction as provided below. All progress payments will be on the basis of the progress of the Work measured by the Schedule of Values provided for in Paragraph 15 of the General Conditions, subject to the cutoff and submittal dates provided in the General Provisions.
 - 5.1.1 During the course of the Contract progress payments will be made in an amount equal to 95% of the Work completed, less in each case the aggregate of payments previously made.
 - 5.1.2 In the event the Contractor makes only one application for payment upon substantially completing the Work, progress payment will be made in an amount equal to 95% of the Work completed. Owner shall withhold five percent (5%) of the work completed as retainage, said retainage to be paid in accordance with the provisions of Paragraph 5.2, Final Payment.
- 5.2 Final Payment. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Engineer shall recommend payment and present Contractor's Final Application for Payment to the City in accordance with Tennessee Statutes 54-5-122. Before final acceptance of the project as having been finally completed, the contractor shall furnish evidence of payment in full for materials and labor to the City in accordance with Tennessee 54-5-122. When this is done, full settlement may be made with the contractor, but not until thirty (30) day's notice is some newspaper published in the county where the work is done, if there is a newspaper there, and if not, in a newspaper in an adjoining county that

settlement is about to be made and notifying all claimants to file notice of their claims with the officials and the period for filing shall not be less than thirty (30) days after the last published notice. In the event claims are filed, the officials shall withhold a sufficient sum to pay the claims in the same way and manner as is provided for claimants making claims against contractors dealing with the Department of Transportation in accordance with Statutes 54-5-123, and claimants may bring suits against contractors in the way and manner provided in 54-5-124, as suits are brought against contractors dealing with the department. Where claims are allowed by the Courts, Statutes 54-5-125 and 54-5-127 shall be applicable.

ARTICLE 6. WITHHELD FUNDS.

Pursuant to Tennessee Statutes Section 66-11-104 et seq., withheld percentages for Contracts exceeding \$500,000.00 will be retained in an account in the name of the Contractor (except when specifically waived in writing by Contractor) which has been assigned to the Owner until the Contract is completely, satisfactorily, and finally accepted by the Owner. Unless a depository is designated by the Contractor in a written attachment hereto, the Contractor's signature hereon shall act as authority for the Owner to designate a retainage depository on behalf of the Contractor, for the purposes specified in Tennessee Statutes Section 66-11-104. The Contractor's signature hereon shall act as an assignment of the depository account to the Owner, as provided by Tennessee Statutes Section 66-11-104 et seq., whether the depository is designated by the Contractor or by the Owner.

ARTICLE 7. CONTRACTOR'S REPRESENTATIONS.

In order to induce Owner to enter into this Agreement, Contractor makes the following representations:

- 7.1 Contractor has familiarized himself with the nature and extent of the Contract documents, Work, locality, and with all local conditions and federal, state, and local Laws and Regulations that in any manner may affect cost, progress, or performance of the Work.
- 7.2 Contractor has studied carefully all reports of investigations and test of subsurface and latent physical conditions at the site or otherwise affecting cost, progress, or performance of the Work which were relied upon by Engineer in the preparation of the Drawings and Specifications and which have been identified in the Supplementary Conditions.
- 7.3 Contractor has made or caused to be made examinations, investigations, and test and studies as he deems necessary for the performance of the Work at the Contract price, within the Contract Time, and in accordance with the other terms and conditions of the Contract documents; and no additional examinations, investigations, tests, reports, or similar data are or will be required by Contractor for such purposes.
- 7.4 Contractor has correlated the results of all such observations, examinations, investigations, tests, reports, and data with the terms and conditions of the Contract documents.

- 7.5 Contractor has given Engineer written notice of all conflicts, errors, or discrepancies that he has discovered in the Contract documents and the written resolution thereof by Engineer is acceptable to Contractor.

ARTICLE 8. CONTRACT DOCUMENTS.

The Contract documents which comprise the entire agreement between Owner and Contractor are attached to this Agreement, made a part hereof and consist of the following:

- 8.1 This Agreement (Pages SFA-1 to SFA-5, inclusive).
- 8.2 Joint Account Agreement or Letter of Forfeiture waiving same (if applicable)
- 8.3 Exhibit "A" - Bid Form and Bid Schedule.
- 8.4 Affidavit of Drug Free Work Program
- 8.5 Addenda
- 8.6 Performance Bond
- 8.7 Certificates of Insurance, of Workers' Compensation Coverage, and of Unemployment Insurance Coverage.
- 8.8 2013 Standard General Conditions of the Construction Contract (Pages i to 62, inclusive).
- 8.8 Standard Supplementary Conditions (Pages SSC-1 to SSC-16, inclusive).
- 8.9 General Requirements
- 8.10 Special Provisions (Section 01810)
- 8.11 Technical Specifications
- 8.12 Notice of Award.
- 8.13 Notice to Proceed.
- 8.14 Minutes of the Pre-Bid Conference, if any.
- 8.15 Shop Drawings and other Submittals furnished by Contractor during performance of the Work and accepted by the Owner.

8.16 Any modifications, amendments, and supplements, including Change Orders, issued pursuant to Article 11 of the General Conditions, on or after the effective date of this Agreement.

8.17 Notice of Substantial Completion.

ARTICLE 9. MISCELLANEOUS PROVISIONS.

9.1 The CONTRACTOR hereby agrees, warrants, and assures compliance with the provisions of Title VI and VII of the Civil Rights Act of 1964 and all other federal statutory laws which provide in whole or in part that no person shall be excluded from participation or be denied benefits of or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the CONTRACTOR on the grounds of handicap and/or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, Tennessee State Constitutional or statutory law. The CONTRACTOR shall upon request show proof of such non-discrimination and shall post in conspicuous places available to all employees and applicants notices of non-discrimination.

Terms used in this Agreement, which are defined in the General Conditions, shall have the meanings designated in those conditions.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in one (1) original copy on the day and year first above written.

APPROVED AS TO FORM:

(PROJECT: _____)

DATED this _____ day of _____, 2025

CONTRACTOR:

ATTEST:

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

By: _____
Cheyenne Carter
Title: City Recorder

OWNER:
CITY OF LAKELAND, TENNESSEE
A Municipal Corporation

By: _____
Michael Walker
Title: City Manager

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - approving Amendment #2 to the master services agreement with Allen & Hoshall, Inc. for the design of the Oliver Creek Sewer Interceptor Project.

Staff Contact: Emily Harrell, City Engineer

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-3-2025.

BUDGET IMPACT

This expenditure is allocated in the Fiscal Year 2025 annual spending plan for the Sewer Fund.

DISCUSSION

The City of Lakeland entered into an agreement with Allen & Hoshall, Inc. in December 2019 for the design of the Oliver Creek Sewer Interceptor project. The new interceptor will reroute wastewater currently flowing to the City of Memphis to the City of Lakeland's Scotts Creek Wastewater Treatment Plant. The consultant submitted a supplemental request for costs related to design revisions not included in the original scope. Amendment #2 adds the additional cost for the design revisions, in the amount of \$39,600, to Work Authorization #2 under the master services agreement.

Revision 1 includes the City's request to move the proposed sewer line an additional 50 feet from the CSX railroad right-of-way. During the construction of the Clear Creek Sewer Interceptor, CSX notified the City that their right-of-way was 200 feet by charter. Although the City does not agree with CSX based on historical documentation indicating a 100-foot right-of-way, moving the line ensures the sewer line is outside of the CSX right-of-way. Revision 2 is the design of a sewer line which allows the St. Phillip Sewer Pump Station to be abandoned. The pump station is located in Bartlett and the fee will be reimbursed by the City of Bartlett. Revision 3 is the design of a vortex tower which will be used for odor control. The tower will keep the force main full at all times, preventing gas build up and strong odors exhausting each time the pumps start to push the wastewater.

Below is a breakdown of all costs associated with the Master Services Agreement with Allen & Hoshall related to the Oliver Creek Sewer Interceptor project:

Work Authorization 1 (2019) - Flow monitoring and analysis	\$75,000
Work Authorization 2 (2020) - Design of new sewer	\$347,400

interceptor and 2 pump stations	
Work Authorization 3 (2022) - SRF documents & coordination	\$48,500
Work Authorization 4 (2023) - Survey to locate easements	\$8,000
Amendment #1 (2024) - Language added to contract for ARP and SRF funds	No Cost
Amendment #2 (2025) - Design Revisions (CSX, Bartlett Pump Station, Vortex Tower)	\$39,600 (\$10,000 reimbursable from City of Bartlett)
TOTAL CONTRACT	\$518,500

RESOLUTION R-3-2025

APPROVING AMENDMENT #2 TO THE MASTER SERVICES AGREEMENT WITH
ALLEN & HOSHALL, INC. FOR THE DESIGN OF THE OLIVER CREEK SEWER
INTERCEPTOR PROJECT

- WHEREAS,** Allen & Hoshall, Inc. was selected to provide design services for the Oliver Creek Sewer Interceptor project in 2019; and,
- WHEREAS,** Amendment #2 consists of design changes not in the original scope including an alignment adjustment related to CSX right-of-way, the design of a line to allow the St. Phillip pump station be abandoned, and the design of a vortex tower for odor control; and,
- WHEREAS,** Amendment #2 increases the fee for Work Authorization #2 by \$39,600 for a total fee of \$387,000; and,
- WHEREAS,** City of Bartlett will reimburse the City \$10,000 for the design of the line to abandon the St. Phillip pump station; and,
- WHEREAS,** this expenditure is allocated in the Fiscal Year 2025 annual spending plan for the Sewer Fund:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager is hereby authorized to approve, and the City Recorder to attest, Amendment #2 to the master services agreement with Allen & Hoshall, Inc. for the design of the Clear Creek Interceptor.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 16th day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

**AMENDMENT NO. 2
TO THE MASTER SERVICES AGREEMENT BETWEEN CITY OF LAKELAND AND
ALLEN & HOSHALL, INC. FOR PROFESSIONAL SERVICES RELATED TO THE
OLIVER CREEK SEWER INTERCEPTOR PROJECT**

THIS AMENDMENT (hereinafter "Amendment") is made and entered into this _____ day of _____, 2025 by and between the City of Lakeland (hereinafter "CITY") and Allen & Hoshall, Inc. (hereinafter "CONTRACTOR").

WHEREAS, the parties previously entered into an agreement (hereinafter "Agreement") dated December 12, 2019, to provide professional services for the Oliver Creek Sewer Interceptor project.

WHEREAS, the parties now desire to amend Work Authorization No.2 to expand the scope of services provided by the CONTRACTOR.

NOW, THEREFORE, for and in consideration of the mutual promises of the parties to this agreement and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto do agree as follows:

- A. The scope of services shall be amended to include additional design services as outlined in the Supplemental Request dated January 9, 2025 incorporated fully herein by reference.
- B. The Professional Services Fee section is hereby amended as follows:

Original Fee	\$347,400
Amendment #1	No Cost
Amendment #2	\$39,600

- C. The terms and conditions of the original Agreement, except as amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment on the _____ day of _____, 2025.

APPROVED AS TO FORM:

(Amendment# 2 to Work Order 2 Oliver Creek Sewer Interceptor Project)

CONTRACTOR:

ATTEST:

Allen & Hoshall, Inc.

By: _____

By: _____

Title: _____

Title: _____

ATTEST:

OWNER:
CITY OF LAKELAND, TENNESSEE
A Municipal Corporation

By: _____
Cheyenne Carter

By: _____
Michael Walker

Title: City Recorder

Title: City Manger



January 9, 2025

Mrs. Emily Harrell, PE, CPESC
City Engineer
City of Lakeland
10001 US Highway 70
Lakeland, Tennessee 38002

**RE: OLIVER CREEK SANITARY SEWER INTERCEPTOR
SUPPLEMENT FEE REQUEST
MISCELLANEOUS DESIGN REVISIONS**

Dear Mrs. Harrell,

As we have been discussing, during the design of the referenced project, there have been several significant design revisions. The following is a summary of each revision and the associated additional design costs.

Revision 1 – CSX Railroad ROW

The agreed route for the Oliver Creek Interceptor was parallel to the CSX Railroad ROW from the Scotts Creek Wastewater Treatment Plant westward to Oliver Creek channel. The accepted ROW width for railroads is 50 feet each side of the centerline of the track. However, some Rights-of-Way documents, dating into the 1800's, give some railroads the authorization for a 200-foot "Charter" ROW (100 feet each side of the centerline of the track). During the construction administrative phase of another Lakeland sewer project (Clear Creek), CSX insisted their ROW extended to 100 feet each side of the track which required the sewer be relocated after bidding. Based on this experience, you asked us to redesign about 7,300 linear feet of the Oliver Creek Interceptor to avoid the area 100 feet from the centerline of the track. This re-design impacted 15 drawings (sewer plan and profile and Erosion Prevention and Silt Control drawings) along with 8 easements plats and descriptions.

Subtotal, Revision 1: \$6,400.00

Revision 2 – ST Phillip Drive Pumping Station, City of Bartlett

One of the benefits of the Oliver Creek project is the elimination of two existing pumping stations, one of which is Lakeland's Station No. 7. The City of Bartlett's ST Phillip Drive Pumping Station is approximately 1,550 feet from Station No. 7. During our preliminary design, we surveyed the area near the ST Phillip station to determine if it would be feasible to also connect the ST Phillip station to the Oliver Creek sewer by gravity. It turned out to be possible to eliminate the ST Phillips station, so, as per your direction, we included this feature in the design.

Subtotal, Revision 2: \$10,000.00

Revision 3 – Tower

In many municipal sanitary sewer systems, especially in West Tennessee, large diameter interceptor sewers are constructed along natural drainage streams to economically utilize gravity to transport the wastewater. These interceptors are usually constructed in open areas that are expected to be future residential and commercial developments. These interceptors are usually constructed in deep excavations to serve the entire drainage basin. Subdivision sewers, on the other hand, are usually constructed at a shallower depth and may be intended to serve only the individual subdivisions/developments.

The Vortex Flow Insert was conceived and patented by Dr. Eugene Natarius. Dr. Natarius' idea was to transfer sewage from shallow street level sewers to deep interceptor sewers without splashing, generating odors, and creating a corrosive atmosphere. The idea was also to utilize the energy created by the falling sewage to aerate the flow thus significantly increasing the dissolved oxygen concentration.

After numerous successful installations of the Vortex Flow Insert in gravity flow systems in the United States and Canada (two of which are in Shelby County), the device is now being used at the end of force main pipelines from pumping stations. The installation in Newburg, Indiana is a case in point where there is a 7-mile-long force main including several air release valves at high points on the pipeline. When the sewage pumps were in the off-cycle, water would drain out of the force main by gravity, thus drawing air into the pipeline. Upon pump start-up, the air, now extremely odorous, was exhausted into the neighborhood causing numerous odor complaints. The city was spending multiple hundreds of thousands of dollars per year for odor control chemicals. Their solution was a Vortex Flow Insert tower at the treatment plant which is taller than the highest hill on the force main route, so air is no longer pulled into and exhausted from the pipeline during pump on and off cycles.

In Lakeland, the highest elevation on the future force main is elevation 410 which is along Interstate 40 in the vicinity of Davies Plantation Road. Oliver Creek, at the bottom of Falcon Hill Drive, is at elevation 295. With 115 feet of elevation change, water will for sure drain out of the pipeline during pump off cycles drawing in air and the odorous air will be exhausted during pump-on cycles.

For this reason, we recommended adding a tower for the Vortex Flow Insert, 29 feet tall, with the top at elevation 410. With this design, the force main will always be full of water thereby eliminating the exhausting of odorous air along the force main route. In addition, the increase in dissolved oxygen in the sewage, provided by the Vortex Flow Insert, will eliminate odor at the tower and along the gravity sewer to Oliver Creek, which is in the residential area of Falcon Hill Drive.

Early in the project's design, we discussed the Newburg, Indiana, Vortex Flow Insert tower project with you and received your approval before proceeding to add it to the project. Under your direction, the tower is designed to be a concrete structure, circular in shape, with a Gazebo on top to give it the appearance of a grain silo.

The design intent is to avoid the serious odor complaints such as the ones that have occurred locally in the past at the City of Memphis T. E. Maxson Wastewater Treatment Facility, Collierville's Northwest Treatment Plant and at Germantown's Kimbrough Pumping Station.

Subtotal, Revision 3: \$23,200.00

Summary of Design Fee Requests

Revision 1:	\$6,400.00
Revision 2:	\$10,000.00
Revision 3:	\$23,200.00
Total:	\$39,600.00

Sincerely,
Allen & Hoshall



Ben Pearson, PE
901.261.4650 direct
bpearson@allenhoshall.com

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - approving a professional services agreement with 4FDesign, P.C. for the design of the Lakeland Community Center Aquatics Center.

Staff Contact: Emily Harrell, City Engineer

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-14-2025.

BUDGET IMPACT

This item is not allocated in the Fiscal Year 2025 annual budget for the General Fund and would require a budget amendment.

DISCUSSION

The City of Lakeland contracted with 4FDesign for the design of the Lakeland Community Center. The current project includes the indoor recreation facility, early childhood learning center, and lap pool. The additional outdoor aquatic center, including a lazy river, slide and sprayground is not included in the current project. It would be cost effective, however, to design the future outdoor space along with the current project. This would allow the designer to create a cohesive plan for the site and include any utility connections required for the future expansion. 4FDesign has compiled a team of experienced aquatic center designers from their firm, Kimley Horn and MEP to complete the design.

RESOLUTION R-14-2025

APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH 4FDESIGN, P.C.
FOR THE DESIGN OF THE LAKELAND COMMUNITY CENTER AQUATICS CENTER

WHEREAS, the City of Lakeland, Tennessee (the “City”) desires to hire a firm for professional services related to the Lakeland Community Center Aquatics Center; and,

WHEREAS, 4FDesign, P.C. is currently under contract for the design of the Lakeland Community Center; and,

WHEREAS, proceeding with the design of the future Aquatics Center will be cost effective and provide a cohesive plan for the site; and,

WHEREAS, funding is not appropriated in the Fiscal Year 2025 Annual Budget for the General Fund and will require a budget amendment:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland Tennessee, that the City Manager is authorized to execute a professional services agreement with 4FDesign, P.C. in the amount of Two Hundred Thirty Thousand Five Hundred Dollars (\$230,500) for the design of the Lakeland Community Center Aquatics Center.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee on this 16th day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder



January 8, 2025

Mr. Michael Walker, CPA
City Manager
City of Lakeland
10001 Highway 70
Lakeland, TN 38002
via email (mwalker@lakelandtn.gov)

**RE: Proposal for Design Services
Acquatics Design - Phase 2
Lakeland Community Center
Beverle Rivera Dr. at Huff N Puff Rd.
Lakeland, TN**

Dear Michael-

Thank you for the opportunity to present this proposal for design and project management services for the Phase 2 Aquatic Design at the Lakeland Community Center. Our understanding of the project and proposed fees are outlined below.

PROJECT OUTLINE

Finalize concepts, provide complete construction documents and provide construction phase services for Phase 2 of the outdoor aquatic package at the Lakeland Community Center. The Phase 2 outdoor aquatic includes a 300(+/-)LF lazy river with vertical spray elements, an open flume body slide and a sprayground within the outdoor area as shown in the red box in Figure 1 below.



YMCA - LAKELAND AQUATIC CONCEPTUAL DESIGN

Figure 1: Scope Diagram.

Kimley»Horn
SEPTEMBER 2023

PROPOSED SCOPE OF SERVICES

Our Basic Design Services will include Aquatic Design & Engineering (Phase 2 area), Project Management & Coordination, and Additional Design, Engineering, & Coordination services. See below for additional details:

- **Aquatic Design & Engineering for Phase 2**
 - Update Conceptual Design of Phase 2 Aquatic area, review applicable State and Local Codes relating to swimming pool design and construction, and provide final Colored Conceptual Plan.
 - Prepare schematic plans and sections for pools, aquatic features, and site developments
 - Prepare Construction Documents plans, sections, and specifications for the pool, aquatic features, and site development, inclusive of specialty mechanical, plumbing, and structural engineering for pool and aquatic features.
 - Construction Phase Services (by Aquatic Engineering Consultant as specified)
 - See Kimley-Horn Aquatic Design Services - Phase 2 (Attachment 'C') for full scope details.
- **Project Management & Coordination**
 - Additional project management services by 4FDesign to ensure coordination of utility, engineering, and consultant design services to coordinate with the Phase 1 scope (pool, building, and site elements).
- **Additional Design, Engineering, & Coordination Allowance**
 - Miscellaneous design and coordination of utilities, electrical grounding, site elements/furnishings, irrigation, etc.

The services outlined above include architecture, project management, aquatic design, landscape architecture, specialty pool engineering (mechanical, plumbing, and structural), and miscellaneous mechanical, plumbing, and electrical engineering only. The services are intended to aid in continuity of design and construction of the Phase 2 Aquatic scope with the Phase 1 Aquatic and building scope. Design of additional building(s), major site features beyond the "Project Outline" above, or any other architectural, engineering, and/or project management services not specifically referenced herein are excluded.

Excluded are civil and geotechnical engineering, site surveys, architectural construction administration, accessibility/ADA consultant services, waterproofing consultant services, sustainable/green building/commissioning consultant services, security/low voltage/IT design and/or coordination, audio/visual design and/or coordination, furniture selection/procurement, and graphics/rendering services. Also excluded are planning, zoning, and/or entitlement assistance, and/or public meetings and hearings. If excluded services are required and approved in advance, they will be billed on an hourly basis as an additional service (see attachment 'B' - Hourly Rates).

FEES

Our proposed fees for the Project are outlined below:

- Aquatic Design Services (Kimley-Horn) - \$191,000
- Project Management & Coordination (4FDesign) - \$24,500
- Additional Design, Engineering, & Coordination Allowance (MEP Consultants) - \$15,000*
- **TOTAL: \$230,500**

*This fee is an allowance for future design and coordination tasks and/or services to aid in continuity of design and construction of the Phase 2 Aquatic scope with the Phase 1 Aquatic and building scope. In the event that the actual fees incurred for these services are in excess of the amount set forth above, then, in such an event, the Architect shall be compensated for those additional costs and fees.

SCHEDULE

We can begin this work early February 2025. With prompt decisions and responses, we anticipate 5-6 months to complete the drawings.

TERMS & CONDITIONS

See Attachment 'A' - Terms & Conditions

Fees and times/schedule(s) stated in this Agreement are valid for sixty (60) days after the date of this Agreement.

Period of Services: Unless otherwise stated herein, 4FDesign will begin work after receipt of a properly executed copy of this Agreement. This Agreement assumes conditions permitting continuous and orderly progress through completion of the services, including Construction Phase Services. Times for performance shall be extended as necessary for delays or suspensions due to circumstances that 4FDesign does not control. If such delay or suspension extends for more than six months, 4FDesign's compensation shall be renegotiated.

If these terms are acceptable, please sign below and return. Thank you again for this opportunity. If you have any questions, please do not hesitate to ask.

Sincerely,
4FDESIGN, P.C



Michael W. Winter, AIA, NCARB
Vice President | Principal

Attachment 'A' - Terms and Conditions

Attachment 'B' - Hourly Rates

Attachment 'C' - Kimley-Horn Phase 2 Aquatic Design Services Agreement

TERMS ACCEPTED: CITY OF LAKELAND

Mr. Michael Walker
City Manager

Date

TERMS AND CONDITIONS

1. Authorization to Proceed and Standard of Care: Execution of this agreement by Owner hereby authorizes 4FDesign, PC ("4FDesign"), hereinafter referred to as "Architect," to proceed with the work, unless otherwise provided for in this agreement. Architect shall exercise that degree of care, skill and diligence in rendering all of its services under this Agreement in accordance with that prevailing among the architectural firms when performing services for projects similar to the Project in the jurisdiction where the Project is located (the "Professional Standard"). The Architect makes no warranty in this Agreement, express or implied, other than to comply with the Professional Standard in providing services pursuant to this Agreement.
2. Payment to Architect: Architect will bill monthly for fees and reimbursable expenses. Payment is due upon receipt. Outstanding balances of 30 days or more will accrue interest at 12% per annum. If full or satisfactory payment is not made within 30 days from the date of the invoice, work on this Project may be stopped at the discretion of Architect without any penalty from the Owner. If legal action is required in order to collect monies due to Architect, the Owner shall be liable for any attorneys' fees and costs incurred in such action in addition to the fees and termination expenses.
3. Reimbursable Expenses: Reimbursable expenses are in addition to compensation for the Architect's services and include expenses incurred by the Architect and Architect's Consultants directly related to the Project, including but not limited to: (1) transportation in connection with the Project, authorized out-of-town travel and subsistence, electronic communications, reproductions, plots, postage, handling, delivery of instruments of service to the extent not included in Basic Services, renderings, models and mock-ups requested by the Owner; and, (2) the expense of additional insurance coverage or limits requested by the Owner in excess of that normally carried by the Architect and Architect's Consultants. In addition to the direct costs of the Reimbursable Expenses, 10% will be added for cost of funds, handling and overhead (multiple for reimbursable expenses: 1.1).
4. Architect's Consultants: For changes in the services and/or additional services of Architect's Consultants, compensation shall be computed as a multiple of 1.10 times the amounts billed to the Architect for such services.
5. Reuse of Documents: The design documents developed under this Agreement (Contract Documents) are instruments of 4FDesign's services and 4FDesign retains an ownership interest in the documents. The Contract Documents are subject to re-use fees if used for other projects. The re-use of these Contract Documents for other projects can be negotiated upon written notification from the Owner of its re-use intent. Should the Architect not be retained to provide site adaptation and revision services of the documents for other developments, the Owner shall compensate the Architect for such re-use fees negotiated with the Architect and will execute in favor of the Architect a complete release of liability and indemnity agreement for such proposed re-use.
6. Termination: Either party may terminate this agreement without cause upon 30 days written notice to the other party. Additionally, if the Owner does not make timely payments to the Architect or otherwise perform in accordance with this Agreement, such failure shall be considered cause for termination or, at the Architect's option, cause for suspension of performance of services under this Agreement. In the event of termination of the Agreement, the Architect shall be compensated for services performed prior to termination, together with Reimbursable Expenses then due.

7. Dispute Resolution: The Owners and Architect shall endeavor to resolve claims, disputes and other matters in question between them by mediation in accordance with the Construction Industry Mediation Rules of the American Arbitration Association. The parties shall share the mediator's fee and any filing fees equally. Mediation shall be a condition precedent to arbitration, legal or equitable proceedings.
8. Limitation of Liability: In order for the Owner to receive the benefits of a fee which includes a lesser allowance for risk funding, Owner agrees to limit Architect's liability for any cause or combination of causes arising from Architect's or Architect's Consultants' professional acts, errors or omissions, such that the total aggregate liability of Architect shall not exceed Architect's fee for the services rendered on this Project, not including Reimbursable Expenses. The limitation of liabilities and the indemnification provisions contained herein will survive the termination of this Agreement. Each party specifically acknowledges they have received consideration for the limitations granted herein.
9. Waiver of Consequential Damages: A breach of this Agreement may cause both parties to experience damages that are indirectly related to the breach or that were not foreseeable by either party at the time this Agreement was entered into. Such damages are called consequential damages and may include, but are not limited to, loss of use and loss of profit. Neither party shall be liable to the other for any consequential damages incurred by either party due to the fault of the other, regardless of the nature of this fault.
10. Interpretation: This Agreement shall be governed by the law of Tennessee. As used herein, the term "Architect" includes or refers to interior designer when applicable. The term "Architect's Consultant" refers to those consultants that contract directly with Architect.
11. No Third Party Beneficiaries: Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Owner or Architect and there are no third party beneficiaries to this Agreement.
12. Construction Administration: Architect shall perform Construction Administration as set forth in the basic scope of services or as set forth in additional service agreements. Construction Administration is defined as the process in which the Architect (1) becomes generally familiar with and keeps the Owner informed about the progress and quality of the portion of construction completed ("work"), (2) endeavors to guard the Owner against defects and deficiencies in the work, and (3) determines in general if the work is being performed in a manner indicating that the work, when fully completed, will be in substantial accordance with the Contract Documents. However, Architect shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the work. Architect shall not have control over or charge of, nor be responsible for, the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work. Architect shall not be responsible for the Contractor's failure to perform the work in accordance with the requirements of the Contract Documents.

SCHEDULE OF HOURLY RATES
Updated June 2024

PRESIDENT, SR. PRINCIPAL <i>Scott Fleming</i>	\$ 350.00
VICE PRESIDENT, PRINCIPAL <i>Curt Pierce</i> <i>Steve Landwehr</i> <i>Michael Winter</i>	\$ 295.00
SENIOR PROJECT MANAGER <i>Tamara Redburn</i> <i>Richard Wiggs</i>	\$ 200.00
SENIOR ARCHITECT/QUALITY ASSURANCE <i>Ellen Wadley</i>	\$ 200.00
PROJECT MANAGER <i>Kari Conrad</i> <i>Tre Yancy</i> <i>Jo Picha</i> <i>Matthew Lewis</i>	\$ 175.00
ARCHITECTURAL ASSOCIATE <i>Matt Pate</i> <i>Matthew Churchill</i> <i>Lily Montague</i>	\$ 140.00
SENIOR INTERIOR DESIGN PROJECT MANAGER <i>Veronica Tansey</i> <i>Julie Gasaway</i>	\$ 200.00
INTERIOR DESIGN PROJECT MANAGER <i>Sam Campbell</i>	\$ 150.00
INTERIOR DESIGN ASSOCIATE	\$ 140.00
TECH STAFF <i>Carol O'Daniel</i>	\$ 150.00
SUMMER ASSOCIATE	\$ 110.00
CONSTRUCTION ADMINISTRATOR <i>Gary Gibson</i>	\$ 135.00
SENIOR CONSTRUCTION ADMINISTRATION COORDINATOR <i>Katrina Terrett</i>	\$ 140.00
CONSTRUCTION ADMINISTRATION COORDINATOR <i>Alyssa Rowan</i>	\$ 130.00
MARKETING COORDINATOR <i>Krissie Mahr</i>	\$ 140.00
OFFICE MANAGER <i>Theresa Hughes</i>	\$ 140.00
CONTROLLER <i>Katrina Terrett</i>	\$ 140.00
ADMINISTRATIVE ASSISTANT	\$ 85.00

December 6, 2024

Mr. Michael Winter, AIA, NCARB
Vice President, Principal
5101 Wheelis Drive, Suite 215
Memphis, Tennessee 38117

Via Email: mwinter@4F.design

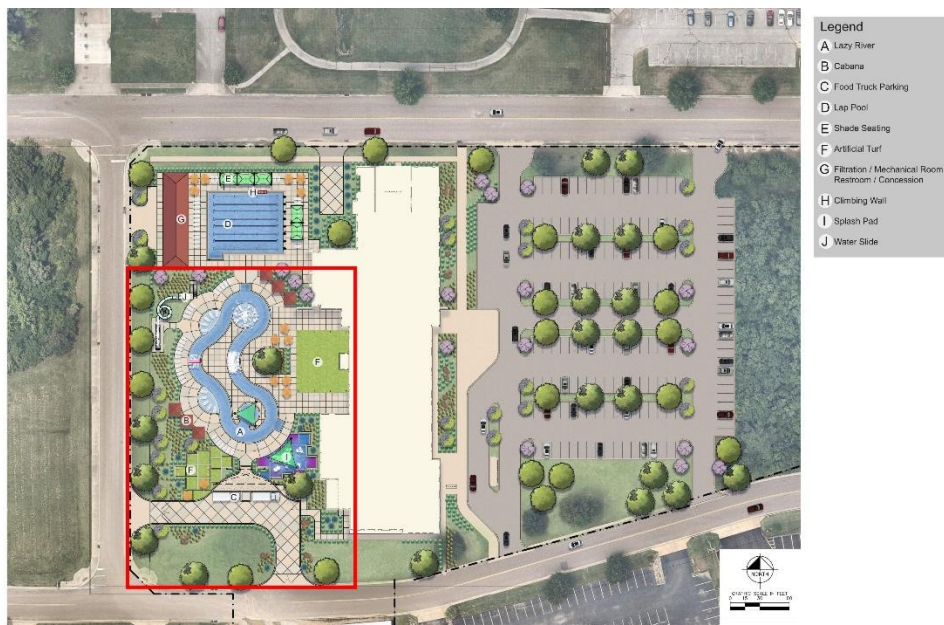
**Re: Lakeland Community Center Beverle Rivera Drive – Lakeland, Tennessee
Aquatic Design Services – Phase 2**

Dear Mr. Winter:

Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “Consultant”) is pleased to submit this letter agreement (the “Agreement”) to 4F Design (“Client”) for providing aquatic design services for the proposed Lakeland Community Center located on Beverle Rivera Drive in Lakeland, Tennessee.

Project Understanding

The Client intends to enter an Agreement with Kimley-Horn to finalize concepts, provide complete construction documents and provide construction phase services for phase 2 of the outdoor aquatic package including a +/- 300LF lazy river with vertical spray elements, an open flume body slide and a sprayground within the outdoor area of the Lakeland Community Center as shown in the red box in Figure 1 below.



YMCA - LAKELAND AQUATIC CONCEPTUAL DESIGN

Figure 1: Scope Diagram.

Kimley-Horn
SEPTEMBER 2023

The Consultant will perform work identified herein on the following known program information related to the project:

1. One +/- 300 LF lazy river with vertical spray elements
2. Support deck
3. Deck Drainage to tie into storm drainage design (by others)
4. Shade Elements
5. Outdoor gaming area
6. Food Truck Court
7. Furnishing layout

Project Assumptions

1. The project site area, as illustrated in Figure 1, is situated on two parcels that total approximately 5.9 acres. The largest of the two parcels is a ~4.91-acre parcel located Beverle Rivera Drive; the smallest of the two is a ~1.0-acre parcel located on Huff N Puff Road.
2. It is assumed that the project use is allowable by right, and any rezoning process is excluded from this scope of services.
3. The site is an unused and vacant parcel. Previously the parcel consisted of a ~25,000 square-foot motel structure, a parking lot, and a pool. These features are generally situated on the southern portion of the site. The northern portion of the site consists of mostly open grass area with a few small trees.
4. It is assumed that no platting will be required. If required, it is assumed the surveyor for the project, engaged by others, will complete the subdivision plat.
5. It is anticipated that stormwater detention facilities will be required.
6. It is assumed that public utilities including water, storm-sewer, electric, gas, cable/data are readily available at the site boundary. No off-site improvements other than those noted as part of this Scope of Services are anticipated and are not included in this Scope of Services.
7. No additional design or study of offsite improvements to roadway, water, sanitary sewer, or stormwater drainage infrastructure, is known at this time and is therefore excluded. Kimley-Horn will notify the Client if such a need is identified.
8. The site is greater than one acre in size, thus a National Pollutant Discharge Elimination System (NPDES) permit will be required prior to the start of construction.
9. The Client will engage with a qualified environmental engineer to provide all necessary environmental assessments and water jurisdictional delineations for the project.
10. The Client will engage with a qualified geotechnical engineer to provide all necessary geotechnical assessments for the project.
11. The Client, or others, will engage with a qualified surveyor to provide all necessary boundary,

- topographic and as-built information required for Kimley-Horn's design of the project.
12. This scope of services does not include construction documentation for anything outside of the components listed in the Project Understanding..

Scope of Services

Kimley-Horn will provide the services specifically set forth below.

Task 1 Finalize Conceptual Design

Prior to beginning this task, the Client will furnish the Consultant with existing utility information, any applicable adopted codes and development requirements for the site. The Consultant will perform the following tasks:

- A) Review the conceptual design previously completed and provide recommendations for adjusting Concept Design, if needed.
- B) The Consultant will lead an internet meeting to present an outline design program analysis with pool configurations, user requirements and programs, adjacencies and circulation, spectator facilities, hydrostatic relief/sump system, deck equipment, underwater features, pool piping and filtration options, and safety and maintenance equipment.
- C) Preparation and presentation of updated conceptual plans and cost considerations for discussion at a meeting with Client representatives.
- D) Determine geotechnical boring locations and provide client with geotechnical boring location exhibit.
- E) Review applicable State and Local Codes relating to swimming pool design and construction.

Deliverables: Provide One (1) Final Colored Conceptual Plan (Electronic), One (1) suggested Boring Exhibit and Opinion of Probable Construction Cost (OPCC)

Meetings: Up to Three (3) to Four (4) Internet Meetings

Task 2 Schematic Design (30% Construction Documents)

Once the Final Conceptual Design is approved, the Concept Design will be used as the basis for the Schematic Design. The Schematic Design phase will consist of the following tasks:

- A) Preparation of schematic plans and sections (30% Construction Documents) for the pools, and site development showing dimensions and features.
- B) Coordinate with Client on pool mechanical and filtration room sizing requirements.
- C) Provide a design and coordination narrative to Client for swimming pool and aquatic feature requirements.
- D) Provide and opinion of probable cost for the pools, shade, and site development and answer questions regarding estimated cost data.
- E) Provide information on finishes, equipment, pool water supply and waste, structural design, and site utilities.
- F) Submit Schematic Design package.

Deliverables: Provide One (1) Final 30% Design Package and Opinion of Probable Cost

Meetings: Two (2) Internet Meetings

Task 3 Design Development (60% Construction Documents)

The Design Development phase will consist of the following tasks:

- A) Preparation of Design Development plans, sections, and preliminary specifications (60% Construction Documents) for the pools, and site development.
- B) Provide and opinion of probable cost for the pools, shade, and site development and answer questions regarding estimated cost data.
- C) Provide information on finishes, equipment, pool water supply and waste, structural design, and site utilities.
- D) Submit Design Development package.

Deliverables: Provide One (1) 60% Design Development Drawings (Electronic) and Specifications (Electronic) and Opinion of Probable Cost

Meetings: Up to Two (2) Internet Meetings

Task 4 Construction Documents (100% Construction Documents)

The Construction Development phase will consist of the following tasks:

- A) Preparation of Construction Documents plans, sections, and specifications (100% Construction Documents) for the pool, and site development.

The construction document set consists of the following:

- a. Site development plans (layout, grading, deck drainage, planting and irrigation, and details).
 - b. Pool layout, deck equipment plan, piping, and filtration plans (lazy river, other aquatic features, sections, details, equipment, pumps, filters, and chemical feed equipment).
- B) Provide and opinion of probable cost for the pools, buildings, shade, thematic elements, and site development and answer questions regarding estimated cost data. Because the Consultant does not control the cost of labor, materials, equipment, or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to opinions as to the costs of construction and materials, shall be made on the basis of its experience and represent its judgment as an experienced and qualified professional, familiar with the industry. The Consultant cannot and does not guarantee that proposals, bids, or actual costs will not vary from its opinions of cost.
- C) Provide information on finishes, equipment, pool water supply and waste, structural design, and site utilities.
- D) Submit 100% Technical Specification package.

- E) Submit 100% Construction Document package.

Deliverables: Provide One (1) 100% Construction Drawings (Electronic) and Specifications (Electronic) and Opinion of Probable Cost

Meetings: Up to Four (4) Internet Meetings

Task 5 Bidding Phase

The Bidding Phase will consist of the following tasks:

- A) Attend pre-bid conference between the Consultant, Client, and prospective bidders.
- B) Answer bidder's inquiries during the Bidding Phase and, at the Client's direction, furnish and issue addenda items to clarify drawings and specifications.
- C) Assist the Client in analyzing bids associated with pool related items and contractors.

Meetings: One In-Person Meeting

Task 6 Construction Phase Services

The Consultant will provide Construction Phase Services for the project as requested by the Client, as outlined below. Please note these services do not provide a full-time resident project representative:

- A) Site observation visits will be performed as indicated in the Phase I proposal. Therefore, site observation visits are not included as part of this scope of services.
- B) Virtual coordination meetings will be performed as indicated in the Phase I proposal. Therefore, virtual coordination meetings are not included as part of this scope of services.
- C) Review shop drawings and other submittal information for the purpose of ascertaining conformance with the design intent and construction documents. Consultant will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.
- D) Provide written responses to requests for information or clarifications. Consultant will respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to Client as appropriate to the orderly completion of Contractor's work. Any orders authorizing variations from the Contract Documents will be made by Client.
- E) Review Change Orders if required. Consultant may recommend Change Orders to Client and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

F) Assist the Client in conducting substantial completion and final completion observations. Consultant will, promptly after notice from Contractor that it considers the entire Work ready for its intended use, in company with Client and Contractor, conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of Client, Consultant considers the Work substantially complete, Consultant will notify Client and Contractor.

G) Review of Contractor furnished As Built / Record Drawing Plans.

Services Not Included

Any other services, including but not limited to the following, are not included in this Agreement:

- Franchise Utility Coordination
- Electrical service or load design
- Building Design
- Structural Design other than Pool Structure
- Building MEP
- Site Lighting (including any lighting required to meet code requirements for pool deck)
- Traffic Impact Studies or Signal Design
- Preparation of Traffic control plans
- Revisions due to changes in regulations
- Archaeological Survey
- Submittal, Permitting Fees, or Impact Fees
- Construction Staking
- Off-Site Utility Design
- Off-Site Roadway Design
- Off-Site Easement Descriptions, other than noted
- Detailed Labor/Materials Cost Estimates (As Prepared by an Estimating Service)
- Record Drawing Survey
- Preparation of Site Plan Submittals or Preliminary or Final Platting
- Wetlands Permitting / Delineation
- Environmental Impact Statement
- 3D Architectural Renderings and Computer Animations
- Specialty Audio/Visual or Food Service Consultant Services
- Operations and Training Consultation

Additional Services

Any services not specifically provided for in the above scope will be billed as additional services and performed at our then current hourly rates.

Information Provided By Client

We shall be entitled to rely on the completeness and accuracy of all information provided by the Client

or the Client's consultants or representatives. The Client shall provide all information requested by Kimley-Horn during the project, including but not limited to the following:

- Proposed Site Plan and Building Layout
- On-Site Easements
- Site Survey Information

Schedule

We will provide our services as expeditiously as practicable with the goal of meeting the Client's schedule.

Fee and Expenses

Kimley-Horn will perform the services in Task 1-6 for the total lump sum fee below. Individual task amounts are informational only. All permitting, application, and similar project fees will be paid directly by the Client.

Task 1	Finalize Conceptual	\$ 7,000
Task 2	Schematic Design (30% Construction Documents)	\$ 30,000
Task 3	Design Development (60% Construction Documents)	\$ 50,000
Task 4	100% Construction Documents	\$ 80,000
Task 5	Bidding Phase	\$ 4,000
Task 6	Construction Phase Services	\$ 20,000

Total Lump Sum Fee	\$ 191,000
--------------------	------------

Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Payment will be due within 25 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, "Consultant" shall refer to Kimley-Horn and Associates, Inc., and "Client" shall refer to **4F Design**.

Kimley-Horn, in an effort to expedite invoices and reduce paper waste, submits invoices via email in an Adobe PDF format. We can also provide a paper copy via regular mail if requested. Please include the invoice number and Kimley-Horn project number with all payments. Please provide the following information:

____ Please email all invoices to _____

____ Please copy _____

If you want us to proceed with the services, please have an authorized person sign this Agreement below and return to us. We will commence services only after we have received a fully-executed

agreement. Fees and times stated in this Agreement are valid for sixty (60) days after the date of this letter.

To ensure proper set up of your projects so that we can get started, please complete and return with the signed copy of this Agreement the attached Request for Information. Failure to supply this information could result in delay in starting work on your project.

We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



Austin Powers
Associate



Sean Mason
Associate

4F Design

SIGNED: _____

PRINTED NAME: _____

TITLE: _____

DATE: _____

Client's Federal Tax ID: _____

Client's Business License No.: _____

Client's Street Address: _____

Attachment – Standard Provisions

KIMLEY-HORN AND ASSOCIATES, INC.
STANDARD PROVISIONS

- 1) **Consultant's Scope of Services and Additional Services.** The Consultant will perform only the services specifically described in this Agreement. If requested by the Client and agreed to by the Consultant, the Consultant will perform Additional Services, which shall be governed by these provisions. Unless otherwise agreed to in writing, the Client shall pay the Consultant for any Additional Services an amount based upon the Consultant's then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 times cost.
- 2) **Client's Responsibilities.** In addition to other responsibilities herein or imposed by law, the Client shall:
 - a. Designate in writing a person to act as its representative, such person having complete authority to transmit instructions, receive information, and make or interpret the Client's decisions.
 - b. Provide all information and criteria as to the Client's requirements, objectives, and expectations for the project and all standards of development, design, or construction.
 - c. Provide the Consultant all available studies, plans, or other documents pertaining to the project, such as surveys, engineering data, environmental information, etc., all of which the Consultant may rely upon.
 - d. Arrange for access to the site and other property as required for the Consultant to provide its services.
 - e. Review all documents or reports presented by the Consultant and communicate decisions pertaining thereto within a reasonable time so as not to delay the Consultant.
 - f. Furnish approvals and permits from governmental authorities having jurisdiction over the project and approvals and consents from other parties as may be necessary.
 - g. Obtain any independent accounting, legal, insurance, cost estimating, and feasibility services required by Client.
 - h. Give prompt written notice to the Consultant whenever the Client becomes aware of any development that affects the Consultant's services or any defect or noncompliance in any aspect of the project.
- 3) **Period of Services.** Unless otherwise stated herein, the Consultant will begin work after receipt of a properly executed copy of this Agreement. This Agreement assumes conditions permitting continuous and orderly progress through completion of the services. Times for performance shall be extended as necessary for delays or suspensions due to circumstances that the Consultant does not control. If such delay or suspension extends for more than six months, Consultant's compensation shall be renegotiated.
- 4) **Method of Payment.** Client shall pay Consultant as follows:
 - a. Invoices will be submitted periodically for services performed and expenses incurred. Payment of each invoice will be due within 25 days of receipt. The Client shall also pay any applicable sales tax. All retainers will be held by the Consultant and applied against the final invoice. Interest will be added to accounts not paid within 25 days at the maximum rate allowed by law. If the Client fails to make any payment due under this or any other agreement within 30 days after the Consultant's transmittal of its invoice, the Consultant may, after giving notice to the Client, suspend services and withhold deliverables until all amounts due are paid.
 - b. If the Client relies on payment or proceeds from a third party to pay Consultant and Client does not pay Consultant's invoice within 60 days of receipt, Consultant may communicate directly with such third party to secure payment.
 - c. If the Client objects to an invoice, it must advise the Consultant in writing giving its reasons within 14 days of receipt of the invoice or the Client's objections will be waived, and the invoice shall conclusively be deemed due and owing. If the Client objects to only a portion of the invoice, payment for all other portions remains due.
 - d. If the Consultant initiates legal proceedings to collect payment, it may recover, in addition to all amounts due, its reasonable attorneys' fees, reasonable experts' fees, and other expenses related to the proceedings. Such expenses shall include the cost, at the Consultant's normal hourly billing rates, of the time devoted to such proceedings by its employees.
 - e. The Client agrees that the payment to the Consultant is not subject to any contingency or condition. The Consultant may negotiate payment of any check tendered by the Client, even if the words "in full satisfaction" or words intended to have similar effect appear on the check without such negotiation being an accord and satisfaction of any disputed debt and without prejudicing any right of the Consultant to collect additional amounts from the Client.
- 5) **Use of Documents.** All documents and data prepared by the Consultant are related exclusively to the services described in this Agreement and may be used only if the Client has satisfied all of its obligations under this Agreement. They are not intended or represented to be suitable for use or reuse by the Client or others on extensions of this project or on any other project. Any modifications by the Client to any of the Consultant's documents, or any reuse of the documents without written authorization by the Consultant will be at the Client's sole risk and without liability to the Consultant, and the Client shall indemnify, defend and hold the Consultant harmless from all claims, damages, losses and expenses, including but not limited to attorneys' fees, resulting

therefrom. The Consultant's electronic files and source code remain the property of the Consultant and shall be provided to the Client only if expressly provided for in this Agreement. Any electronic files not containing an electronic seal are provided only for the convenience of the Client and use of them is at the Client's sole risk. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the documents prepared by the Consultant, the hardcopy shall govern.

- 6) **Intellectual Property.** Consultant may use or develop its proprietary software, patents, copyrights, trademarks, trade secrets, and other intellectual property owned by Consultant or its affiliates ("Intellectual Property") in the performance of this Agreement. Unless explicitly agreed to in writing by both parties to the contrary, Consultant maintains all interest in and ownership of its Intellectual Property and conveys no interest, ownership, license to use, or any other rights in the Intellectual Property to Client. Any enhancements of Intellectual Property made during the performance of this Agreement are solely owned by Consultant and its affiliates.
- 7) **Opinions of Cost.** Because the Consultant does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to the costs of construction and materials, are made solely based on its judgment as a professional familiar with the industry. The Consultant cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost. If the Client wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator. Consultant's services required to bring costs within any limitation established by the Client will be paid for as Additional Services.
- 8) **Termination.** The obligation to provide further services under this Agreement may be terminated by either party upon seven days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof, or upon thirty days' written notice for the convenience of the terminating party. The Consultant shall be paid for all services rendered and expenses incurred to the effective date of termination, and other reasonable expenses incurred by the Consultant as a result of such termination.
- 9) **Standard of Care.** The standard of care applicable to Consultant's services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by the Consultant's performance of services, and it is agreed that the Consultant is not a fiduciary with respect to the Client.
- 10) **LIMITATION OF LIABILITY.** IN RECOGNITION OF THE RELATIVE RISKS AND BENEFITS OF THE PROJECT TO THE CLIENT AND THE CONSULTANT, THE RISKS ARE ALLOCATED SUCH THAT, TO THE FULLEST EXTENT ALLOWED BY LAW, AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS AGREEMENT OR THE EXISTENCE OF APPLICABLE INSURANCE COVERAGE, THAT THE TOTAL LIABILITY, IN THE AGGREGATE, OF THE CONSULTANT AND THE CONSULTANT'S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONSULTANTS TO THE CLIENT OR TO ANYONE CLAIMING BY, THROUGH OR UNDER THE CLIENT, FOR ANY AND ALL CLAIMS, LOSSES, COSTS OR DAMAGES WHATSOEVER ARISING OUT OF OR IN ANY WAY RELATED TO THE SERVICES UNDER THIS AGREEMENT FROM ANY CAUSES, INCLUDING BUT NOT LIMITED TO, THE NEGLIGENCE, PROFESSIONAL ERRORS OR OMISSIONS, STRICT LIABILITY OR BREACH OF CONTRACT OR ANY WARRANTY, EXPRESS OR IMPLIED, OF THE CONSULTANT OR THE CONSULTANT'S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONSULTANTS, SHALL NOT EXCEED TWICE THE TOTAL COMPENSATION RECEIVED BY THE CONSULTANT UNDER THIS AGREEMENT OR \$50,000, WHICHEVER IS GREATER. HIGHER LIMITS OF LIABILITY MAY BE NEGOTIATED FOR ADDITIONAL FEE. THIS SECTION IS INTENDED SOLELY TO LIMIT THE REMEDIES AVAILABLE TO THE CLIENT OR THOSE CLAIMING BY OR THROUGH THE CLIENT, AND NOTHING IN THIS SECTION SHALL REQUIRE THE CLIENT TO INDEMNIFY THE CONSULTANT.
- 11) **Mutual Waiver of Consequential Damages.** In no event shall either party be liable to the other for any consequential, incidental, punitive, or indirect damages including but not limited to loss of income or loss of profits.
- 12) **Construction Costs.** Under no circumstances shall the Consultant be liable for extra costs or other consequences due to unknown conditions or related to the failure of contractors to perform work in accordance with the plans and specifications. Consultant shall have no liability whatsoever for any costs arising out of the Client's decision to obtain bids or proceed with construction before the Consultant has issued final, fully approved plans and specifications. The Client acknowledges that all preliminary plans are subject to substantial revision until plans are fully approved and all permits obtained.
- 13) **Certifications.** All requests for the Consultant to execute certificates, lender consents, or other third-party reliance letters must be submitted to the Consultant at least 14 days prior to the requested date of execution. The Consultant shall not be required to execute certificates, consents, or third-party reliance letters that are inaccurate,

that relate to facts of which the Consultant does not have actual knowledge, or that would cause the Consultant to violate applicable rules of professional responsibility.

- 14) **Dispute Resolution.** All claims arising out of this Agreement or its breach shall be submitted first to mediation in accordance with the American Arbitration Association as a condition precedent to litigation. Any mediation or civil action by Client must be commenced within one year of the accrual of the cause of action asserted but in no event later than allowed by applicable statutes.
- 15) **Hazardous Substances and Conditions.** Consultant shall not be a custodian, transporter, handler, arranger, contractor, or remediator with respect to hazardous substances and conditions. Consultant's services will be limited to analysis, recommendations, and reporting, including, when agreed to, plans and specifications for isolation, removal, or remediation. The Consultant will notify the Client of unanticipated hazardous substances or conditions of which the Consultant actually becomes aware. The Consultant may stop affected portions of its services until the hazardous substance or condition is eliminated.
- 16) **Construction Phase Services.**
 - a. If the Consultant prepares construction documents and the Consultant is not retained to make periodic site visits, the Client assumes all responsibility for interpretation of the documents and for construction observation, and the Client waives any claims against the Consultant in any way connected thereto.
 - b. The Consultant shall have no responsibility for any contractor's means, methods, techniques, equipment choice and usage, sequence, schedule, safety programs, or safety practices, nor shall Consultant have any authority or responsibility to stop or direct the work of any contractor. The Consultant's visits will be for the purpose of endeavoring to provide the Client a greater degree of confidence that the completed work of its contractors will generally conform to the construction documents prepared by the Consultant. Consultant neither guarantees the performance of contractors, nor assumes responsibility for any contractor's failure to perform its work in accordance with the contract documents.
 - c. The Consultant is not responsible for any duties assigned to it in the construction contract that are not expressly provided for in this Agreement. The Client agrees that each contract with any contractor shall state that the contractor shall be solely responsible for job site safety and its means and methods; that the contractor shall indemnify the Client and the Consultant for all claims and liability arising out of job site accidents; and that the Client and the Consultant shall be made additional insureds under the contractor's general liability insurance policy.
- 17) **No Third-Party Beneficiaries; Assignment and Subcontracting.** This Agreement gives no rights or benefits to anyone other than the Client and the Consultant, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole benefit of the Client and the Consultant. The Client shall not assign or transfer any rights under or interest in this Agreement, or any claim arising out of the performance of services by Consultant, without the written consent of the Consultant. The Consultant reserves the right to augment its staff with subconsultants as it deems appropriate due to project logistics, schedules, or market conditions. If the Consultant exercises this right, the Consultant will maintain the agreed-upon billing rates for services identified in the contract, regardless of whether the services are provided by in-house employees, contract employees, or independent subconsultants.
- 18) **Confidentiality.** The Client consents to the use and dissemination by the Consultant of photographs of the project and to the use by the Consultant of facts, data and information obtained by the Consultant in the performance of its services. If, however, any facts, data or information are specifically identified in writing by the Client as confidential, the Consultant shall use reasonable care to maintain the confidentiality of that material.
- 19) **Miscellaneous Provisions.** This Agreement is to be governed by the law of the State of Texas. This Agreement contains the entire and fully integrated agreement between the parties and supersedes all prior and contemporaneous negotiations, representations, agreements, or understandings, whether written or oral. Except as provided in Section 1, this Agreement can be supplemented or amended only by a written document executed by both parties. Any conflicting or additional terms on any purchase order issued by the Client shall be void and are hereby expressly rejected by the Consultant. If Client requires Consultant to register with or use an online vendor portal for payment or any other purpose, any terms included in the registration or use of the online vendor portal that are inconsistent or in addition to these terms shall be void and shall have no effect on Consultant or this Agreement. Any provision in this Agreement that is unenforceable shall be ineffective to the extent of such unenforceability without invalidating the remaining provisions. The non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.



Board of Commissioners

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - approving a professional services agreement with Buchart Horn, Inc. for Construction Engineering and Inspection services related to the Oliver Creek Interceptor project rescinding Resolution R-184-2024.

Staff Contact: Emily Harrell, City Engineer

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve resolution R-184-2024.

BUDGET IMPACT

The expenditure and grant revenue related to this item are allocated in the fiscal year 2025 budget for the Sewer Fund.

DISCUSSION

The agreement with Buchart Horn for Construction Engineering and Inspection services related to the Oliver Creek Interceptor project was approved in December 2024 through Resolution R-184-2024. In order to meet new federal requirements, additional clauses related to access to records and compliance with Federal Law are required by Tennessee Department of Environment and Conservation to be incorporated into the agreement.

RESOLUTION R-15-2025

APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BUCHART HORN, INC FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES RELATED TO THE OLIVER CREEK INTERCEPTOR PROJECT RESCINDING RESOLUTION R-184-2024.

WHEREAS, the City of Lakeland, Tennessee, (the “City”) desires to construct a new sewer interceptor to reroute flow from City of Memphis to the Scotts Creek Wastewater Treatment Plant; and,

WHEREAS, the City issued a Request for Qualifications for construction engineering and inspection services related to the Oliver Creek Sewer Interceptor project; and,

WHEREAS, Buchart Horn, Inc. was selected as the most qualified firm to provide the services; and,

WHEREAS, the scope of services includes a constructability review of the plans and construction and inspection services for Contract C; and,

WHEREAS, Contract C is funded through an American Rescue Plan (ARP) grant which is 90% federal and a 10% local match; and,

WHEREAS, funding for this project is appropriated in the fiscal year 2025 annual budget for the Sewer Fund:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager is hereby authorized to execute and the City Recorder attest a professional services agreement with Buchart Horn, Inc for construction engineering and inspection services related to the Oliver Creek Interceptor project in the amount of Four Hundred Twenty Thousand Two Hundred Dollars (\$420,200).

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 16th day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

January 13, 2025

Emily Harrell, PE, CPESC, City Engineer
 City of Lakeland
 10001 US Highway 70
 Lakeland, TN 38002-9756

**RE: City of Lakeland Oliver Creek Interceptor Project
 Proposal for Construction Engineering and Inspection Services**

Dear Ms. Harrell,

Buchart Horn is pleased to submit this proposal and contract to the City of Lakeland to perform Construction Engineering and Inspection (CEI) services for the Oliver Creek Interceptor project. The complete Oliver Creek Interceptor project consists of three construction contracts for which services will be provided:

- Contract A – Gravity Sewer
- Contract B – Sanitary Sewer Forcemain
- Contract C – Sanitary Sewer Pumping Stations and Vortex Tower

This letter provides our fee for CEI services for **Contract C** and an estimate of fees for Contracts A and B. The fee for Contracts A and B will be finalized and resubmitted to the City for review once project funding through the state revolving loan fund (SRF) program is approved.

The engineering contract is enclosed with this letter. The description of services to be performed is provided as Attachment A to the agreement. The TDEC required certifications are also enclosed.

BH will perform the stated services for a lump sum fee of \$233,700.00 for constructability reviews and construction administrative services and a cost not to exceed fee of \$186,500.00 for inspection services. The anticipated breakdown of this fee is as follows:

Prebid and Bid Phase services (includes a desktop constructability review of three listed contracts (**))	\$ 41,700
Construction Administration Services (***)	\$ 181,300
Close out Services	\$ 10,700
Construction Inspection services: 1,240 hours at \$112.00 per hour 180 overtime hours at \$168.00 per hour Travel Expenses \$17,380	\$ 186,500
TOTAL	\$ 420,200

**This budget includes subconsultant fees from Fisher Arnold who will perform constructability reviews of Contract A and B.

*** This budget includes subconsultant fees from UES, Inc. for geotechnical consultation

BH will invoice monthly as described in the included Agreement.

Work will be completed within 12 weeks of construction contract substantial completion. Substantial completion for Contract C has been established as 365 days following Notice to Proceed to the Contractor.

BH has also provided for your use the following budgetary estimate for CEI services related to Contracts A and B. This budget assumes that these contracts will run concurrently and is based on a contract duration of 540 days for Contract A and 400 days for Contract B.

Construction Administration and Close out Services (Contracts A and B)	\$ 584,000
Construction Inspection Services (Contracts A and B)	\$ 765,000
EPSC Inspection Services (Contract A)	\$ 148,000
TOTAL	\$ 1,497,000

It is respectfully requested that the City indicate their concurrence and acceptance of this proposal by signing the enclosed agreement and returning an original copy to the attention of the proposed project manager, Diane Vesely, P.E. Receipt of this executed agreement will be considered our Notice to Proceed.

We are grateful for this opportunity to continue to service the City. Should you have any questions, please contact me at 814-574-4518 or Diane at 901-619-6177.

Sincerely
BUCHART HORN, INC.



Scott E. Russell, P.E.
Senior Vice President, Water Resources

Enclosures

AGREEMENT

(For Limited Professional Services)

1. AGREEMENT

This agreement dated January 16, 2025, is made between the City of Lakeland, TN, the OWNER, and Buchart-Horn, Inc., the ENGINEER. Under this agreement, the ENGINEER will provide the services and documents set forth below in accordance with the terms of this agreement, and the OWNER will pay the ENGINEER as set forth below. This agreement is intended to benefit only the OWNER and the ENGINEER, and no other party has any right to claim any duty of either the OWNER or the ENGINEER under this agreement. OWNER shall be responsible for all requirements and instructions that it furnishes to ENGINEER pursuant to this Agreement, and for the accuracy and completeness of all programs, reports, data, and other information furnished by OWNER to ENGINEER pursuant to this Agreement. ENGINEER may use and rely upon such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement, subject to any express limitations or reservations applicable to the furnished items. The rights and responsibilities between the parties for this project are as set forth in this agreement.

2. THE PROJECT

A. Project Description

This project shall be known as Construction Engineering and Inspection Services for Oliver Creek Interceptor Project and, in general involves providing construction administration and inspection services for three construction projects comprising the Oliver Creek Interceptor Project. The three projects are known as Contract A, B, and C and are further described in Attachment A, Statement of Work.

B. Engineer's Services and Deliverables

Under this agreement, the ENGINEER will perform construction administration and inspection services as stated in Attachment A.

C. Period of Performance

Barring matters beyond the control of the Engineer, the Engineer's services will be completed within twelve (12) weeks following the substantial completion date of the final of the three construction contracts. If OWNER authorizes changes in the scope, extent, or character of the Project or ENGINEER'S services, then the time for completion of ENGINEER'S services, and the rates and amounts of ENGINEER'S compensation, shall be adjusted equitably.

Receipt of the executed agreement shall constitute notice to proceed from the OWNER.

D. Compensation

In exchange for the performance of the Engineer's services for Contract C, the OWNER will pay the ENGINEER a lump sum amount of \$ 233,700.00 for administrative services and a cost not to exceed of \$186,500 based on an hourly rate of \$112.00 per hour plus direct expenses. Overtime hours will be invoiced at a rate of 1.5 times the listed hourly rate.

Invoices shall be submitted monthly by the ENGINEER to the OWNER in the ENGINEER'S standard invoice format.

Payments are to be made to the ENGINEER by the OWNER within 60 days of the date of invoice. If OWNER fails to make payment within 30 days ENGINEER may, after giving written notice to OWNER (including email), suspend services under this Agreement until OWNER has paid in full all amounts due for services, expenses, and other related charges. OWNER waives any and all claims against ENGINEER for any such suspension. Interest shall be charged at the rate of 1% per month of the unpaid balance outstanding more than 60 days.

3. CONDITIONS OF THE CONTRACT

A. Termination

This agreement may be terminated by either party upon substantial breach (other than lack of payment as described in 2D) by the other party, for convenience, or if the project is abandoned by the OWNER. Termination by either party shall require 14 days advance written notice. If this contract is terminated by either party, the OWNER agrees to pay the ENGINEER for all work completed up to the date of termination. If the contract is a lump sum contract, payment to the ENGINEER will be based on the ENGINEER'S estimate of the percentage of the project completed at the time of termination.

B. Reuse of Documents

All Documents are instruments of service, and ENGINEER shall retain an ownership and property interest therein. The OWNER acknowledges that it is not authorized to use any documents provided by the ENGINEER on this project for any other project without the specific written agreement of the ENGINEER and in compliance with any terms required by the ENGINEER in that agreement.

If this contract is terminated by either party prior to completion, the ENGINEER will supply its instruments of service on this project to the OWNER only upon supplemental written agreement in a form satisfactory to the ENGINEER.

C. Assignment – Not Applicable

D. Standard of Care

The ENGINEER agrees to perform all of its services hereunder in accordance with reasonable engineering standards. The ENGINEER makes no warranties nor guarantees other than to comply with the reasonable standard of care for professional engineers.

E. Hazardous Materials

The ENGINEER on this project has no duty or responsibility to determine the existence, location, quality, type, or composition of any hazardous materials that may exist at the site of the services. The OWNER acknowledges that to the best of its knowledge, information, and belief, there exist no hazardous materials at the site. The discovery of the existence of any hazardous materials at the site that would in any way affect either the performance of this contract by the ENGINEER, or the terms of any construction documents to be prepared by the ENGINEER under this agreement, shall constitute a change in circumstances pursuant to which the ENGINEER may be entitled to additional compensation as shall be negotiated upon the occurrence of such an event.

F. Waiver of Subrogation

The OWNER, on behalf of its insurance carriers, hereby waives any right to subrogation against the ENGINEER, the ENGINEER'S agents, servants, employees, or subcontractors for any losses incurred by OWNER which are covered by any policy of insurance.

G. Claims and Indemnification

(1) The ENGINEER agrees to indemnify the OWNER for any losses or damages incurred by the OWNER as a result of professional negligence in the performance of the Engineer's duties under this agreement. This duty to indemnify shall be binding only upon a finding by a Court of competent jurisdiction that the losses claimed are caused solely and proximately by the professional negligence of the Engineer. To the fullest extent permitted by Laws and Regulations, a party's total liability to the other party for any cost, loss, or damages caused in part by the negligence of the party and in part by the negligence of the other party, shall not exceed the percentage share that the party's negligence bears to the total negligence.

(2) In the event of any claims made against the OWNER in which it is alleged that a contractor or another person not a party to this agreement suffered loss as a result of any failure

by the ENGINEER to comply with any of the terms or standards set forth herein, the ENGINEER agrees to cooperate with and assist the OWNER in responding to such claims. Such assistance shall be provided at the then applicable Standard Hourly Rate Schedule for professional services.

(3) Limit of Indemnity: The limit of liability of the ENGINEER for indemnification hereunder shall be the amount of compensation set forth above for this project. If any claim for indemnification hereunder exceeds that amount, the OWNER agrees to accept, as full satisfaction thereof, a sum equal to the compensation for this project set forth above.

H. Opinions of Cost

As part of its services under this agreement, the ENGINEER may be requested by the OWNER to give opinions of the cost of construction of a project. The OWNER understands and acknowledges that such opinions are based on the ENGINEER'S best estimate and are not guarantees. The ENGINEER will not be held responsible by the OWNER for any costs or losses associated with construction costs different from any estimate of the ENGINEER.

I. Controlling Law

This agreement is executed by the parties with the intent to be bound by its terms. The law of Tennessee will be controlling.

J. Disputes

The parties agree to make every effort to amicably resolve any disputes by mediation. OWNER and ENGINEER agree to participate in the mediation process in good faith. The process shall be conducted on a confidential basis and shall be completed within 120 days. If such mediation is unsuccessful in resolving a Dispute, then (1) the parties may mutually agree to a dispute resolution of their choice, or (2) either party may seek to have the Dispute resolved by a court of competent jurisdiction.

K. Access to Records

The Engineer agrees to provide the City of Lakeland, Treasury, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Engineer which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions.

The Engineer agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

The Engineer agrees to provide the Treasury or authorized representatives access to construction or other work sites pertaining to the work being completed under the contract.

L. Compliance with Federal Law, Regulations and Executive Orders

"This is an acknowledgement that Treasury ARP SLFRF financial assistance will be used to fund all or a portion of the contract. The contractor will comply with all applicable Federal law, regulations, executive orders, Treasury policies, procedures, and directives."

This agreement constitutes the entire agreement between parties and both parties acknowledge that neither has made any promises to the other outside of this agreement.

IN WITNESS of the above, and intending to be bound hereby, the parties do hereby execute this agreement as of the date set forth above.

OWNER:

ENGINEER:

Name:

Buchart-Horn, Inc.

By:

By:

Attest:

Attest:

Date:

Date:

OWNER: The City of Lakeland
ENGINEER: Buchart Horn, Inc.

ATTACHMENT A
STATEMENT OF WORK
Construction Engineering and Inspection Services
for Oliver Creek Interceptor Project
Contracts A, B, and C
1/12/2025

I. BACKGROUND

The City of Lakeland has completed design services and prepared construction documents for the Oliver Creek Sanitary Sewer Interceptor project which will reroute wastewater currently flowing to City of Memphis to the City of Lakeland Scotts Creek Wastewater Treatment Plant (WWTP). The City is utilizing American Rescue Plan (ARP) and State Revolving Loan (SRF) funds for the construction of the Project. Due to the different funding sources, the City will bid the construction in three separate contracts as follows:

Contract A involves the construction of 14,800 LF of 36" diameter and 1,600 LF of 24" diameter gravity sewer extending from a newly installed vortex flow insert tower (under Contract C) and traveling north along Oliver Creek and then east, on the south side of the CSX ROW, connecting to the City of Lakeland existing sanitary sewer at MH P-3 south of the Scott's Creek WWTP. The gravity construction includes twelve 12 stream crossings (including 3 across Oliver Creek and 1 across Scott's Creek); 14 wet weather conveyance crossings; 8 wetlands crossings; 2 pond crossings; and 5 other bored crossings including Texas Gas crossing. Contract A has a duration of 540 days and will be financed with State Revolving Loan Fund (SRF) monies. A tentative start date is October 2025. (Preliminary construction estimate by others: \$22,236,000)

Contract B involves the construction of approximately 2,600 LF 12" diameter and 16,600 LF of sewage forcemain extending from two newly installed pumping stations (under Contract C) to the new installed vortex flow insert tower (under Contract C). This forcemain construction includes 7 stream crossings (including 2 across Fletcher Creek); 6 wet weather conveyance crossings; 9 wetland crossings; and 3 other bored crossings including Interstate I-40. Contract B has a duration of 400 days and will be financed with State Revolving Loan Fund (SRF) monies. A tentative start date is October 2025. (Preliminary construction estimate by others \$5,896,000)

Contract C involves the construction of 2 new pumping stations (Fletcher Creek P.S., 850 gpm and Fletcher Trace P.S., 550 gpm), both located just north of Highway 64 and a vortex flow insert tower located on a hill in an open area east of the properties on Swan Hill Drive and south of Laural Hill Drive. This contract is anticipated to run while the Canada Road extension project is underway. Contract C has a duration of 365 days and will be funded with American Resue Plan (ARP) grant monies. A tentative start date is April 2025. (Preliminary construction estimate by others \$2,050,000)

Buchart Horn (BH) will provide full time resident inspection services along with construction administration, startup, and close out services for all three contracts. BH will also perform a brief constructability review of each contract before it is advertised for Bid. It is intended for construction administrative duties to commence with issuance of the Notice of Intent to Award a construction contract to the construction contractor. The design engineer, Allen and Hoshall, Inc., will perform bid phase services for all three contracts inclusive of performing the Pre-bid meeting, addenda, and review of bidder proposal documents and make a recommendation to the Owner. Allen and Hoshall will perform limited shop drawing review and respond to technical questions.

Because the SRF loan documents are still in process this initial agreement includes the costs for the performance of work associated with Contract C only. Tentative budgets for Contracts A and B are included with this agreement, however, these budgets are currently not authorized. The Contract A and B budgets will be finalized and authorized once the OWNER has an established schedule for the two contracts.

STATEMENT OF WORK
Construction Engineering and Inspection Services
for Oliver Creek Interceptor Project
Contracts A, B, and C
1/12/2025

II. SCOPE OF SERVICES

The following scope of work applies to all three construction contracts. Items that are applicable to a particular contract are noted.

A. Pre-bid Phase

The ENGINEER will perform a desktop constructability review of the construction documents. The City will furnish these construction documents that will include sealed plans and specifications, copies of permits, geotechnical reports, and any other information pertinent to the project. This desktop review will be performed by our engineering and construction management team and will comment on general constructability and any specific comments or recommendations where a change in the documents might be required. The work will include a drive through of accessible portions of project. A letter report summarizing the findings for Contract C will be prepared and submitted to the OWNER on or before 01/31/2025 or 4 weeks after execution of the agreement, whichever is later. Contracts A and B constructability reviews will be accomplished on or before 02/18/2025 or 4 weeks after receipt of the construction documents for both contracts, whichever is later.

Constructability comments will be provided to the OWNER to review with the Allen and Hoshall, Inc. (DESIGN ENGINEER) to address prior to advertising the project for bid.

The ENGINEER will participate in one meeting (per contract) with the OWNER and DESIGN ENGINEER to go over the comments.

B. Bid phase

Bid phase services will be performed by the OWNER and other entities as appropriate.

The OWNER will receive bids and select the responsive Bidder for contract award.

The ENGINEER will attend the bid phase meeting.

C. Conformed Documents & Award Phase

The ENGINEER, when directed by OWNER, will prepare correspondence for the Owner's approval and distribute Notice of Intent to Award and Notice of Award letters to the selected bidder.

The OWNER will receive the selected Bidder's contract paperwork including bonds and insurance and assemble the Contract package. The Design Engineer will receive the executed contract documents from OWNER and assemble conformed documents consisting of construction contract, drawings, specifications, and addenda. The OWNER or Design Engineer will distribute the conformed documents to the CONTRACTOR (including hard copies) and to the ENGINEER. The ENGINEER will receive a PDF version of the Conformed Documents plus a copy of the Construction plans in AutoCAD.

The ENGINEER, when directed by OWNER, will prepare correspondence for the Owner's approval and distribute the Notice to Proceed letter to the Contractor.

D. Construction Phase Including Close-Out

The ENGINEER will provide a competent Project Engineer, and such assistants as may be required to

STATEMENT OF WORK
Construction Engineering and Inspection Services
for Oliver Creek Interceptor Project
Contracts A, B, and C
1/12/2025

administer the construction contracts. The ENGINEER will also furnish Resident Project Representative Services.

The ENGINEER is not responsible for construction means, methods, techniques, sequences or procedures or for safety precautions and programs in connection with the work except as may be expressly indicated in the conformed documents assembled by the ENGINEER.

1. Duties of the ENGINEER

- a. Schedule, attend and conduct the Pre-Construction Conference and distribute minutes. The CONTRACTOR will invite affected parties including utilities and permit issuers to attend the meeting. The OWNER will schedule meeting participants of the OWNER and will address contractual issues at the meeting.
- b. The ENGINEER shall conduct monthly progress meetings during construction and prepare and distribute the meeting agenda and summary. A total of 10 progress meetings (Contract C) and 28 progress meetings (Contract A and B combined) are anticipated. A site walk through will be conducted after each meeting.
- c. ENGINEER shall conduct up to a maximum of 4 additional visits (Contract C) | 8 additional visits each (Contracts A and B combined) to the site at intervals appropriate to various stages of construction to observe progress and quality of the executed work. These site visits will be conducted in tandem with monthly progress meetings.
- d. Review and respond to CONTRACTOR Requests for Information (RFI). The ENGINEER'S fee assumes a maximum of 8 RFIs (Contract C) and 15 RFIs (Contracts A and B combined).
- e. Perform shop drawing, product, work plan, and operation and maintenance manual submittal reviews. The CONTRACTOR will be required to submit product data and shop drawings in specified groupings. Submittals that are not properly grouped or do not meet the otherwise stated requirements for submission will not be reviewed. The ENGINEER'S fee assumes that no more than 2 reviews will be required.
- f. Prepare necessary documentation required for Construction Change Orders. The ENGINEER'S fee assumes a maximum of 8 change orders (Contract C) | 12 change orders (Contracts A and B combined) including the final project change order per contract. The ENGINEER will submit fully executed change orders to the appropriate grant office for review and approval.
- g. Coordinate the removal and replacement of unsuitable material as recommended by the Contractor's third-party testing firm by construction directive up to the construction budget allocated for this work. Should the Construction Budget for unsuitable materials be exceeded, additional work will be coordinated as a contract change order.
- h. Review tests of materials necessary for the project.
 - 1) Monitor the testing and documentation of testing provided by the CONTRACTOR in the field as defined in the Contract, Plans or Specifications.
 - 2) Monitor the testing and documentation of 3rd party testing as defined in the Contract

STATEMENT OF WORK
Construction Engineering and Inspection Services
for Oliver Creek Interceptor Project
Contracts A, B, and C
1/12/2025

specifications to include, but not limited to, gradation analysis and density testing of earthwork, base stone, asphalt, structural backfill, and pipe backfill.

- 3) Review certifications of material submitted by the CONTRACTOR for conformity to the Specifications.
- i. Maintain a geotechnical engineer on staff to advise and consult related to earthwork activities including recommendations for unsuitable soils. (See Subconsultant Geotechnology SOW and budget)
- j. CONTRACT A ONLY: The OWNER'S DESIGN ENGINEER has determined that a construction general permit is required. The ENGINEER will perform Erosion Protection and Sediment Control (EPSC) inspections twice every calendar week. The Resident Project Inspector will not serve as the EPSC inspector. The inspections will be at least 72 hours apart in accordance with the Project Stormwater Pollution Prevention Plan (SWPPP). The inspections will be conducted for the duration of construction and until approved Notice of Termination (NOT) from TDEC. Signed inspection reports will be submitted to the OWNER within 24 hours of completion of the inspection. The OWNER will sign the reports as the primary permittee and provide signed copy of report to Contractor for action and to retain on site. (The ENGINEER may act as the as the permittee's representative if requested by the OWNER.)
 - 1) Communicate with TDEC any changes as appropriate
 - 2) Prepare and submit the Notice of Termination form, after the site is restored.
- k. Review CONTRACTOR'S compliance with project permits that have been secured by the OWNER. Confirm CONTRACTOR has coordinated submittals and notifications with each permitting entity prior to commencing project permitted activities.
- l. Receive ARP or SRF compliance documentation from the Contractor and furnish to the OWNER for submission to ARP / SRF during construction and for project closeout.
- m. Payment Requisitions: Review and submit to the OWNER the CONTRACTOR's monthly application for payment inclusive of necessary CONTRACTOR documentation required for the OWNER'S reimbursement applications to the ARP or SRF offices. The OWNER will make submissions and receive grant / loan monies and make payments to the CONTRACTOR.
- n. ENGINEER shall conduct an inspection to determine if the work is substantially complete and a final inspection to determine if the completed work is acceptable so that ENGINEER may recommend, in writing, final payment to Contractor(s).
- o. Start-up and Training. The ENGINEER will attend all start-up and training activities scheduled by the Contractor where the manufacturer or the manufacturer's representative will be present. Prior to start-up, the ENGINEER will have previously reviewed the contract O&M manuals (as a part of shop drawing review), the start-up schedule, and the training agenda. Contract C budget anticipates 3 start-up sessions: one for each pump station and one for the vortex tower. These sessions will be performed without final connections to the gravity sewer or force main. Therefore, the Contract A (gravity sewer) budget anticipates 1 start-up session for the vortex tower and Contract B (forcemain) budget

STATEMENT OF WORK
Construction Engineering and Inspection Services
for Oliver Creek Interceptor Project
Contracts A, B, and C
1/12/2025

anticipates 2 start-up sessions, one for each pump station. The start-up sessions under Contract B and Contract A both be completed when the entire system is ready to go "live".

p. Close out:

- 1) Prepare record drawings from red-lined CONTRACTOR drawings and incorporate any modifications issued to the CONTRACTOR. Record drawings will be submitted in both PDF and AutoCAD format. The OWNER will furnish AutoCAD files of the construction plans to the ENGINEER during the award phase of the construction contract. The Engineer will prepare updates from CONTRACTOR'S redline drawings and written change orders.
- 2) Obtain CONTRACTOR prepared documentation necessary to support close out of the ARP or SRF grant/loans and furnish to the City' grant coordinator for close out submission.

2. Duties, Responsibilities and Limitation of Authority of Resident Project Representative

Resident Project Representative is the ENGINEER'S agent, will act as directed by and under the supervision of the ENGINEER, and will confer with the ENGINEER regarding his action. Resident Project Representative's dealings in matters pertaining to the on-site work shall in general be only with the ENGINEER and CONTRACTOR. Written communication with the OWNER will be only through or as directed by the ENGINEER.

The Resident Project Representative shall:

- a. Conferences: Attend the Pre-Construction Conference. When requested by the OWNER or as stipulated in the construction scope of services, arrange progress meetings and other job conferences, in consultation with the ENGINEER and notify those expected to attend in advance. Maintain and circulate copies of records of the meetings.
- b. Liaison: Serve as the ENGINEER'S liaison with the CONTRACTOR working principally through the CONTRACTOR'S field superintendent. Alert the CONTRACTOR, through his field superintendent, to the hazards involved in accepting and acting upon instructions from the OWNER, or others, except such instructions transmitted through the ENGINEER.
- c. Samples: Assist the ENGINEER in obtaining field samples of materials delivered to the site which are required to be furnished and keep a record of actions taken by the ENGINEER.
- d. Shop Drawings: When required by contract documents, receive approved shop drawings and other submissions from the ENGINEER, record data received, maintain a file of the drawings and submissions, and check construction for compliance with these documents.
- e. Review of Work, Inspections, and Tests:
 - Verify that tests, which are required by the contract documents, are conducted and that the CONTRACTOR maintains adequate records thereof. Observe, record, and report to the ENGINEER appropriate details relative to the test performed.
 - Whenever necessary or advisable to verify the proper carrying out of the intent of the contract documents, the Resident Project Inspector shall act as the agent of the ENGINEER and as such

STATEMENT OF WORK
Construction Engineering and Inspection Services
for Oliver Creek Interceptor Project
Contracts A, B, and C
1/12/2025

shall have authority to disapprove work or materials as failing to comply with the contract documents, approved shop drawings, or samples.

- When applicable, check traffic control daily, and additionally as required or requested. Notify the contractor of deficiencies or problems immediately.
 - Inspect erosion control items daily for conformance to the plans as well as effectiveness in the field. Notify the contractor of deficiencies. Review EPSC inspection reports for issues that have been identified and monitor the Contractor's corrective action.
- f. Interpretation of Contract Drawings: Transmit to the CONTRACTOR the ENGINEER'S interpretation of the contract documents.
- g. Modifications: Consider and evaluate CONTRACTOR'S suggestions for modifications in drawings or specifications and report them with recommendations to the ENGINEER.
- h. Records: Keep a diary or logbook, recording field measurements of the work performed, hours on the jobsite, weather conditions, list of visiting officials, construction activities, decisions, and observations in general, and specific observations in more detail as in the case of observing test procedures. Take associated progress of construction photos throughout the construction phase including pre-construction, demolition, construction, post construction/punchlist, and closeout.
- i. Reports:
- Furnish the ENGINEER and OWNER daily reports of progress of the project and the CONTRACTOR'S compliance with the approved construction schedule
 - Furnish the ENGINEER and OWNER weekly summary reports of the CONTRACTOR'S progress.
 - Consult with the ENGINEER in advance of scheduled major tests or start of important phases of the project.
 - Provide construction progress photos illustrating details of construction for review.
- j. Payment Requisitions: Review applications for payment with the CONTRACTOR for compliance with the established procedure for their submission and forward them with recommendations to the ENGINEER, noting particularly their relation to the work completed and materials and equipment delivered at the site. The Resident Project Inspector will observe, measure and record all quantities for payment. The Resident Project Inspector's review is not intended to verify integrity, or quality of construction.
- k. Completion:
- Prior to the final inspection, submit to the CONTRACTOR a list of observed items requiring correction and verify that corrections have been made.
 - Conduct final inspection in the company of the CONTRACTOR, the ENGINEER, and the OWNER and prepare a final list of items to be corrected.

STATEMENT OF WORK
Construction Engineering and Inspection Services
for Oliver Creek Interceptor Project
Contracts A, B, and C
1/12/2025

- Verify that items on final list have been corrected and make recommendations to the ENGINEER concerning acceptance.

I. Limitations of Authority: Except upon written instructions of the ENGINEER, the Resident Project Inspector shall not:

- Authorize any deviation from the contract documents.
- Undertake any of the responsibilities of the CONTRACTOR, the subcontractors, or the CONTRACTOR'S field superintendent.
- Expedite the work for the CONTRACTOR.
- Advise on or issue directions relative to any aspect of the construction technique or sequence unless a specific technique or sequence is called for in the contract documents.
- Authorize the OWNER to occupy the project in whole or in part prior to final acceptance of the work.
- Participate in specialized field or laboratory tests.
- Stop the CONTRACTOR'S work or issue stop work orders.

III. DELIVERABLES

Construction documents	
Progress Meetings	▪ Hard set copies of all progress meeting documentation to be distributed at the progress meeting. 2 sets will be provided to the OWNER. Hard copy meeting agendas (10 hard copies). Meeting minutes will be distributed electronically.
EPSC inspection reports (Contract A only)	▪ Signed copies of inspection reports will be distributed electronically. One hard copy will be generated and delivered to the Contractor for the record file.
Record Drawings	▪ 1 set on bond stamped to indicate updates. ▪ 1 electronic set in PDF and AutoCAD format.

IV. ENGINEER'S SCHEDULE

CONTRACT C

Duration 84 weeks / 593 days
Prebid - 8 weeks
Bid phase - 12 weeks
Award phase - 4 weeks
Construction phase - 52 weeks / 365 days
Close out and record drawings 8 weeks / 60 day

STATEMENT OF WORK
Construction Engineering and Inspection Services
for Oliver Creek Interceptor Project
Contracts A, B, and C
1/12/2025

CONTRACT A

Duration – 96 weeks / 676 days
Bid phase - 12 weeks (anticipated to run concurrent with Contract C construction phase)
Award phase - 4 weeks (anticipated to run concurrent with Contract C construction phase)
Construction phase - 72 weeks / 504 days (anticipated to run concurrent with a portion of the Contract C construction phase)
Close out and record drawings 8 weeks / 60 days

CONTRACT B

Duration 81 weeks / 572 days
Bid phase - 12 weeks (anticipated to run concurrent with Contract C construction phase)
Award phase - 4 weeks (anticipated to run concurrent with Contract C construction phase)
Construction phase – 57 weeks / 400 days (anticipated to run concurrent with a portion of the Contract C construction phase)
Close out and record drawings 8 weeks / 60 days

V. ITEMS TO BE FURNISHED BY THE OWNER

- A. Contract documents including plans and specifications in AutoCAD and MS Word respectively as well in PDF format.
- B. Executed permits and any related permit fees
- C. Reimbursement for additional document production not stated herein

VI. PROJECT EXCLUSIONS

- A. Stake out project benchmarks or construction baseline.
- B. Inspection of Contractor's storage areas
- C. Inspection of off-site borrow areas
- D. Collection of certified payroll or employee interviews.



STATE OF TENNESSEE

BYRD ANTI-LOBBYING AMENDMENT CERTIFICATION

Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352.

Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the awarding agency.

APPENDIX A, 44 C.F.R. PART 18 – CERTIFICATION REGARDING LOBBYING – REQUIRED FOR CONTRACTS OVER \$100,000 *Certification for Contracts, Grants, Loans, and Cooperative Agreements*

The undersigned certifies, to the best of his or her knowledge and belief, that:

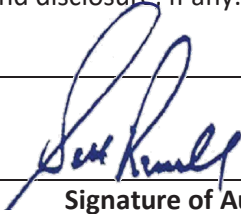
☒ No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

☒ If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

☒ The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. Chap. 38, Administrative Remedies for False Claims and Statements, apply to this certification and disclosure, if any.

	January 13, 2025
Signature of Authorized Representative	Date
Scott E. Russell, Senior Vice President	814-206-9312/ scottrussell@bucharthorn.com
Printed Name and Title	Phone Number / Email Address



STATE OF TENNESSEE
CERTIFICATION REGARDING DEBARMENT, SUSPENSION
AND OTHER RESPONSIBILITY MATTERS

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- ☒ Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- ☒ Have not within a three-year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- ☒ Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- ☒ Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

	January 13, 2025
Signature of Authorized Representative	Date
Scott E. Russell	814-206-9312/ scottrussell@bucharthorn.com
Printed Name	Phone Number / Email Address

☐ I am unable to certify to the above statements. Explanation is attached.



STATE OF TENNESSEE
IRAN DIVESTMENT ACT CERTIFICATION

SUBJECT CONTRACT NUMBER(S):	City of Lakeland / BH Agreement Oliver Creek Interceptor
CONTRACTOR LEGAL ENTITY NAME:	Buchart Horn, Inc.
EDISON SUPPLIER IDENTIFICATION NUMBER:	0000013245

The Iran Divestment Act, Tenn. Code Ann. § 12-12-101 et. seq. requires a person that attempts to contract with the state, including a contract renewal or assumption, to certify at the time the bid is submitted or the contract is entered into, renewed, or assigned, that the person or the assignee is not identified on a list created pursuant to § 12-12-106.

Currently, the list is available online at the following website: <https://www.tn.gov/generalservices/procurement/central-procurement-office--cpo-/library-/public-information-library.html>

The Contractor identified above, certifies by signature below that it is not included on the list of persons created pursuant to Tenn. Code Ann. § 12-12-106 of the Iran Divestment Act.

CONTRACTOR SIGNATURE

NOTICE: This certification MUST be signed by an individual with legal capacity to contractually bind the Contractor.

Scott E. Russell, Senior Vice President

PRINTED NAME AND TITLE OF SIGNATORY

January 13, 2025

DATE



STATE OF TENNESSEE
NON-BOYCOTT OF ISRAEL CERTIFICATION

The Bidder certifies that it is not currently engaged in, and will not for the duration of the contract engage in, a boycott of Israel as defined by Tenn. Code Ann. § 12-4-119. This provision shall not apply to contracts with a total value of less than two hundred fifty thousand dollars (\$250,000) or to contractors with less than ten (10) employees.

According to the law, a boycott of Israel means engaging in refusals to deal, terminating business activities, or other commercial actions that are intended to limit commercial relations with Israel, or companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel to do business, or persons or entities doing business in Israel, when such actions are taken:

- 1) In compliance with, or adherence to, calls for a boycott of Israel, or
- 2) In a manner that discriminates on the basis of nationality, national origin, religion, or other unreasonable basis, and is not based on a valid business reason. Tenn. Code Ann. § 12-4-119.

	January 13, 2025
Signature of Authorized Representative	Date
Scott E. Russell	814-206-9312/ scottrussell@bucharthorn.com
Printed Name	Phone Number / Email Address

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - supporting the application for Fiscal Year 2025 National Infrastructure Investments (DTOS59-25-RA-RAISE) Rebuilding American Infrastructure with Sustainability and Equity grant program through United States Department of Transportation Federal Highway Administration for New Canada Road.

Staff Contact: Emily Harrell, City Engineer

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-13-2025.

BUDGET IMPACT

There is no budgetary impact from this resolution.

DISCUSSION

The US Department of Transportation Federal Highway Administration is currently soliciting applications for the Fiscal Year 2025 RAISE ("Rebuilding American Infrastructure with Sustainability and Equity") grant. These grants are awarded on a competitive basis for planning or constructing surface transportation projects which improve safety, sustainability, quality of life, connectivity, etc. The grant is funded with 80% federal dollars requiring a 20% local match. Staff proposes to submit an application for funding for the construction of New Canada Road Phase 2.

RESOLUTION R-13-2025

SUPPORTING THE APPLICATION FOR FISCAL YEAR 2025 NATIONAL
INFRASTRUCTURE INVESTMENTS (DTOS59-25-RA-RAISE) REBUILDING
AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY GRANT
PROGRAM THROUGH UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION FOR NEW CANADA ROAD

WHEREAS, the United States Department of Transportation (“USDOT”) Federal Highway Administration is soliciting applications for Fiscal Year 2025 National Infrastructure Investments Projects; and,

WHEREAS, the City desires to acquire additional grant funding to ensure viability for the New Canada Road project due to importance of the project for the City and its residents; and,

WHEREAS, the costs for this highly desirable project have substantially increased since its design requiring the City to raise additional funds to begin construction on the project; and,

WHEREAS, the City supports the application for the RAISE program for New Canada Road and, if awarded, is able to and will provide a 20% local fund match in accordance with the grant requirements and proposed project schedule:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Engineer is hereby authorized to submit an application to US Department of Transportation for the Fiscal Year 2025 National Infrastructure Investments grant for New Canada Road.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 16th day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

FY 2025 Notice of Funding Opportunity

Rebuilding American Infrastructure with Sustainability and Equity Grant Program

Office of the Secretary

US Department of Transportation (DOT)

Table of Contents

A. Basic Information.....	3
1. Round 1	5
2. Round 2	6
3. Changes from the FY 2024 NOFO	6
B. Eligibility.....	7
1. Eligible Applicants	7
2. Minimum Funding Request For Capital Projects	7
3. Application Limit.....	8
4. Cost Sharing.....	8
5. Pre-Award Authority	9
6. Location Designations	9
7. Eligible Projects.....	10
8. Project Components.....	12
9. Reduced Awards.....	12
10. Previous RAISE/BUILD/TIGER Recipients	13
C. Program Description	14
1. Program History and Authorization	14
2. Program Goals and Objectives.....	14
3. Restrictions on Funding	15
4. Availability of Funds.....	16
5. Performance Goals.....	16
6. Previous Awards.....	16
D. Application Content and Format	17
1. Standard Form 424.....	17
2. FY 2025 RAISE Project Information Form.....	18
3. Project Description File	18

4. Project Location File.....	18
5. Project Budget Files	19
6. Merit Criteria File	21
7. Project Readiness File.....	21
8. Benefit-Cost Analysis	25
E. Submission Requirements and Deadline	27
1. Address to Request Application Package	27
2. Unique Entity Identifier (UEI) and System for Award Management (SAM)	27
3. Submission Deadline	27
4. Intergovernmental Review.....	28
5. Compliance with Section 508 of the Rehabilitation Act of 1973	28
F. Application Review Information	29
1. Criteria	29
2. Review and Selection Process	48
G. Award Notices.....	50
1. How Project Selections Are Announced.....	50
2. Announcement Dates	50
3. Pre-Award Costs	50
4. Reimbursable Program.....	50
H. Post-Award Requirements and Administration	52
1. Administrative and National Policy Requirements.....	52
2. Reporting.....	55
I. Federal Awarding Agency Contact(s).....	57
J. Other Information	58
1. Protection of Confidential Business Information	58
2. Publication and Sharing of Application Information	58

A. BASIC INFORMATION

The Office of the Secretary (OST) announces the intention to hold two rounds of selections under the FY 2025 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Notice of Funding Opportunity (NOFO).

- **Round 1** – The Department is reserving a portion of the \$1.5 billion in FY 2025 RAISE funds, provided by the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law, or BIL), for Highly Rated applications that were not selected under the FY 2024 RAISE NOFO and designated [FY 2024 Projects of Merit](#). FY 2024 Projects of Merit not selected for award under Round 1 must submit a revised application in [Grants.gov](#) to be considered under Round 2 of the FY 2025 RAISE program.
- **Round 2** – The Department will make another round of selections using a portion of the \$1.5 billion in FY 2025 RAISE BIL funds and/or additional funding that may become available for the program under the FY 2025 Appropriations Act. Please note, all FY 2025 annual appropriations amounts are subject to availability of funding. DOT cannot guarantee that Congress will appropriate additional funding to RAISE via a future FY 2025 appropriation.

The FY 2024 RAISE NOFO stated:

- Projects for which an FY 2024 RAISE application is advanced by the Senior Review Team to the Highly Rated List, but that are not awarded, are automatically designated as “Projects of Merit.” Projects with this designation will be carried over into FY 2025 RAISE and considered by the SRT for advancement to the Highly Rated List, along with other FY 2025 applications eligible for advancement to the Highly Rated List.

The Department is reducing the burden on all previous applicants, who would otherwise have to revise and resubmit applications, by evaluating and selecting applications for funding using the same criteria as the FY 2024 RAISE NOFO originally published on November 30, 2023.

Additionally, this process expedites selections making a portion of the funds available to project sponsors earlier.

Topic	Description
Announcement Type	This is the initial announcement for the FY 2025 round of this program
Funding Opportunity Title	FY 2025 National Infrastructure Investments
Funding Opportunity Number	DTOS59-25-RA-RAISE
Assistance Listing Number	20.933 National Infrastructure Investments
Prior Awards	• In FY 2024, the Department received 1048 eligible applications requesting nearly \$13 billion • 148 projects were awarded a total of \$1.8 billion • Awards were made to projects in all 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Northern Mariana Islands • Awards ranged from \$328,000 to \$25 million
Maximum Award Size	• RAISE grant awards are capped at \$25 million
Submission Requirements and Deadlines	Round 1: FY 2024 Projects of Merit • FY 2024 Projects of Merit must email RAISEgrants@dot.gov by 11:59 pm December 2, 2024 if they want their FY 2024 application considered for award under the reserved funding • No amendments are being made to either the selection criteria or process. No application modifications will be needed or accepted • Round 1 selections are expected to be announced by January 13, 2025 • FY 2024 Projects of Merit not selected for award under Round 1 must submit a revised application in Grants.gov to be considered under Round 2 of the FY 2025 RAISE program.
	Round 2: All Applicants • All interested applicants must submit applications in Grants.gov no later than 11:59 pm eastern on January 30, 2025. • Complete instructions on how to register and apply can be found at Grants.gov. If applicants experience difficulties at any point during registration or application process, please use the help available on Grants.gov such as the Customer Support Hotline at 1-800-518-4726 or email support@grants.gov • Round 2 selections are expected to be announced no later than June 28, 2025.
Eligible Activities	Planning and/or constructing surface transportation infrastructure

Eligible Applicants	• States and the District of Columbia • Any territory or possession of the United States • A unit of local government • A public agency or publicly chartered authority established by one or more States • A special purpose district or public authority with a transportation function, including a port authority • A Federally recognized Indian Tribe or a consortium of such Indian Tribes • A transit agency • A multi-State or multijurisdictional group of entities that are separately eligible
Reconnecting Extra Designation	• Applications submitted for consideration under Round 2 of the FY 2025 RAISE competition, that have an identical project scope to applications that were submitted and evaluated under the FY 2024 Reconnecting Communities Program (RCP) competition and received the designation of “Reconnecting Extra,” will automatically advance for second-tier analysis if they receive an overall merit rating of “Recommended” and have at least one “High” rating in a priority criterion. • The Department expects projects that rated well under the FY 2024 RCP Program criteria will do well under the FY 2025 RAISE program criteria. • Applicants should note in the FY 2025 RAISE Project Information Form whether their FY 2025 RAISE application was also submitted under the FY 2024 RCP competition and received the “Reconnecting Extra” designation
Questions	Email RAISEgrants@dot.gov Due to the competitive nature of the program, during the application submittal phase, the Department is unable to accommodate individual meeting requests to discuss the opportunity or specific project ideas, and unable to provide individualized guidance or render opinions about the merit of a specific project.

1. ROUND 1

i. Reservation of Funds for FY 2024 RAISE Projects of Merit

Under this NOFO, the Department is making a portion of the \$1.5 billion in FY 2025 RAISE BIL funding available to Highly Rated applications that were submitted but not selected under the FY 2024 RAISE NOFO. The Department will follow the criteria and process set forth in the FY 2024 RAISE NOFO for making selections to receive the reserved funding.

The Department will carryover all applications that advanced to the Highly Rated List but were not selected for funding. These projects were designated as [FY 2024 Projects of Merit](#). For

purposes of this reservation of funds, the Department incorporates the FY 2024 RAISE NOFO by reference and will follow that NOFO criteria for all Round 1 selections.

Using the discretionary authority provided in statute, the Secretary will select projects from the FY 2024 Projects of Merit List for award, consistent with the selection criteria and statutory requirements for geographic and modal diversity. The Secretary may, depending on the pool of qualified applications, seek to award at least one project per state or territory.

If an applicant submitted an application for funding under the FY 2024 RAISE NOFO, advanced to the Highly Rated List, but was not selected and thus designated a Project of Merit, such applicant must notify the Department by emailing RAISEgrants@dot.gov by December 2, 2024, if the applicant wishes for that application to be reconsidered for award using this reservation of funding.

[FY 2024 RAISE Projects of Merit](#) seeking reconsideration of their unawarded application will not be permitted to modify, amend, or supplement applications. To maximize chances of obtaining an award, FY 2024 RAISE Project of Merit applications may request consideration under the reserved funds, and they may also submit applications for Round 2 of this NOFO. The FY 2024 Project of Merit application(s) will count against an entity's three-application limit.

2. ROUND 2

i. Funding for FY 2025 RAISE Applications

Under this NOFO, in addition to Round 1, the Department intends to make another round of selections using a portion of the \$1.5 billion in BIL funds and/or additional funding that may become available for the program under the FY 2025 Appropriations Act. Please note, all FY 2025 annual appropriations amounts are subject to availability of funding. DOT cannot guarantee that Congress will appropriate additional funding to RAISE via a future FY 2025 appropriation.

All interested applicants must submit applications in [Grants.gov](#) no later than 11:59 pm eastern on January 30, 2025. Round 2 selections are expected to be announced no later than June 28, 2025.

3. CHANGES FROM THE FY 2024 NOFO

This FY 2025 RAISE NOFO makes changes from the FY 2024 RAISE NOFO to:

- Outline the process to carry forward FY 2024 RAISE Projects of Merit applications for consideration under Round 1 of the FY 2025 RAISE NOFO;
- Reserve a portion of the \$1.5 billion FY 2025 BIL funding for FY 2024 RAISE Projects of Merit applications;
- Update Areas of Persistent Poverty to account for the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the Census;
- Update references to comply with updated [2 CFR Part 200 Appendix I](#); and
- Improve organization and clarity of the information the Department uses to assess project readiness.

B. ELIGIBILITY

1. ELIGIBLE APPLICANTS

Eligible applicants for RAISE grants are:

- States and the District of Columbia
- Any territory or possession of the United States
- A unit of local government
- A public agency or publicly chartered authority established by one or more States
- A special purpose district or public authority with a transportation function, including a port authority
- A Federally recognized Indian Tribe or a consortium of such Indian Tribes
- A transit agency
- A multi-State or multijurisdictional group of entities that are separately eligible

Ineligible applicants for RAISE grants are:

- Federal agencies
- Non-profits
- Private entities
- Individuals

Multiple states or jurisdictions may submit a joint application, designating a lead applicant as the primary contact and award recipient. The application should outline each applicant's roles and responsibilities.

DOT expects the applicant to manage and deliver the project. If the applicant plans to transfer the award to another agency, this should be stated in the application, along with a supporting letter from the designated entity.

2. MINIMUM FUNDING REQUEST FOR CAPITAL PROJECTS

Capital Grants	Minimum Request
Rural Areas	\$1 million
Urban Areas	\$5 million

Applicants submitting capital grant applications for projects located in rural areas must request at least \$1 million in RAISE funding. Applicants submitting capital grant applications for projects located in urban areas must request at least \$5 million in RAISE funding. Failure to request the minimum funding amount for a capital grant application will result in the application being ineligible.

There is no minimum funding request requirement for planning grant applications.

3. APPLICATION LIMIT

Each applicant can submit up to three applications. Unrelated project components should not be combined in one application to meet this limit. If an applicant submits more than three applications, only the first three will be considered.

4. COST SHARING

Cost sharing means the portion of the project's cost that is not paid by Federal funds. Cost share funds are typically stated as a percentage of the total project cost. The Department **only** considers an application's Federal share to confirm eligibility.

Project Location	Cost Share Requirement
Urban	Up to 80% Federal Funding
Rural	Up to 100% Federal Funding
Area of Persistent Poverty	
Historically Disadvantaged Community	

The Federal share for RAISE grant projects **shall not exceed 80 percent** unless the project receives one of the following location designations (see Location Designations for definitions):

- Rural
- Area of Persistent Poverty (APP)
- Historically Disadvantaged Community (HDC)

Applicants with projects located in one of the designated areas above are eligible to fund the project up to 100 percent with Federal funding. Projects located in an **urban area**, that are not designated APP and/or HDC, that have **more than 80 percent federal funding will be ineligible**.

Applicants should use the following equation when determining the cost share for their project:

$$\frac{(\text{RAISE Grant Request} + \text{Other Federal Funds})}{\text{Total Project Cost}} = \text{Federal Cost Share}$$

Total Project Cost means the sum of future eligible Federal and non-Federal costs yet to be incurred.

Eligible sources of non-Federal funds include:

- State funds originating from programs funded by State revenue
- Local funds originating from State or local revenue-funded programs
- Private funds
- Tribal transportation program funds under section 202 of title 23
- Federal lands transportation program funds under section 203 of title 23
- TIFIA program funds (as defined in section 601(a) of title 23)
- Railroad Rehabilitation and Improvement Financing Program under chapter 224

- Federal credit assistance (if repaid from non-Federal sources)

Toll credits under [23 U.S.C. 120\(i\)](#) are considered a Federal source under the RAISE program.

Unless otherwise authorized by statute, funds used to satisfy the cost-share requirements of a different Federal program may not be counted as the cost-share for both the RAISE grant and another Federal grant program.

Non-Federal funds are subject to the same Federal requirements as RAISE grant funds.

For each project that receives a RAISE grant award, **the terms of the award will require the recipient to complete the project using at least the level of non-Federal funding that was specified in the application.** If the actual costs of the project are greater than the costs estimated in the application, the recipient will be responsible for addressing the funding shortfall and maintaining the level of non-Federal funding stated in the application. If the actual costs of the project are less than the costs estimated in the application, the Department will generally reduce the Federal contribution to ensure federal cost share requirements are met.

5. PRE-AWARD AUTHORITY

Unless authorized by the Department in writing after announcement of FY 2025 RAISE awards, **any costs incurred prior to the Department's obligation of funds for a project ("pre-award costs") are ineligible for reimbursement and cost share requirements.**¹ In general, RAISE Program funds are administered on a reimbursement basis. Grant recipients will generally be required to pay project costs upfront using their own funds, and then request reimbursement for those costs. If a recipient cannot complete a project on reimbursement basis, DOT will—on a case-by-case basis—consider recipient requests to use alternate payment methods as described in 2 CFR 200.305(b), including advance payments.

6. LOCATION DESIGNATIONS

i. Urban or Rural

Urban and rural definitions differ across DOT programs. For the RAISE program:

- **Urban:** A project is designated as urban if it is located within (or on the boundary of) a Census-designated urban area that had a population greater than 200,000 in the 2020 Census.²
- **Rural:** A project is designated as rural if it is located outside a Census-designated urban area that had a population greater than 200,000 in the 2020 Census.

¹ Pre-award costs are costs incurred after award announcement, but directly pursuant to the negotiation of a grant agreement where such costs are necessary for efficient and timely performance of the scope of work, as determined by DOT. Costs incurred under an advance construction (23 U.S.C. 115) authorization before the DOT announces that a project is selected for a FY 2025 RAISE award cannot be charged to FY 2025 RAISE funds. Likewise, costs incurred under an FTA Letter of No Prejudice under Chapter 53 of title 49 U.S.C. before the DOT announces that a project is selected for a FY 2025 RAISE award, cannot be charged to FY 2025 RAISE funds.

² For the purpose of this NOFO, the definition of urban and rural is based on the 2020 Census-designated urbanized areas. The Department is required by the BIL to use the most recent decennial census information.

The Department provides an [interactive map](#) to show Census-designated urban areas with populations greater than 200,000 in the 2020 Census.

A project located in both an urban and a rural area will be designated as urban if the majority of the project's costs will be spent in urban areas. Conversely, a project located in both an urban area and a rural area will be designated as rural if the majority of the project's costs will be spent in rural areas. For RAISE planning grants, the location of the project being planned, prepared, or designed will be used for the urban or rural designation.

Urban and rural designations impact the following aspects of the RAISE program:

- Minimum RAISE funding requirements
- Fundings restrictions
- Cost share

ii. Areas of Persistent Poverty and Historically Disadvantaged Communities

The Department provides an [interactive map](#) to show Areas of Persistent Poverty and Historically Disadvantaged Communities.

Areas of Persistent Poverty (APP) are defined by RAISE statute:

- Any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30-year period preceding November 15, 2021, as measured by the 1990 and 2000 decennial census and the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the Census
 - The FY 2025 RAISE NOFO updated county APP designations to utilize the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the census.
- Any census tract with a poverty rate of at least 20 percent as measured by the [2014-2018 5-year data series available from the American Community Survey](#) of the Bureau of the Census
- Any territory or possession of the United States

Historically Disadvantaged Communities (HDC) are defined by the [Justice40 Interim Guidance Addendum](#) issued by the White House Office of Management and Budget (OMB), White House Council on Environmental Quality (CEQ), and Climate Policy Office (CPO):

- Any census tract or tracts identified as disadvantaged in the [Climate & Economic Justice Screening Tool \(CEJST\)](#), created by CEQ, which identifies such communities that have been marginalized by underinvestment and overburdened by pollution
- Any Federally Recognized Tribe or Tribal entity, whether or not they have land

7. ELIGIBLE PROJECTS

i. Capital Projects

Eligible capital projects activities include:

- Highway or bridge projects eligible under title 23, United States Code

- Public transportation projects eligible under chapter 53 of title 49, United States Code
- Passenger and freight rail transportation projects
- Port infrastructure investments (including inland port infrastructure and land ports of entry)
- The surface transportation components of an airport project eligible for assistance under part B of subtitle VII of title 49, United States Code³
- Intermodal projects whose component parts are otherwise an eligible project type
- Projects to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species while advancing the goals of the RAISE program
- Projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government
- Any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goals of the program⁴
 - Public road and non-motorized projects that are not otherwise eligible under title 23, United States Code
 - Surface transportation components of transit-oriented development projects
 - Surface transportation components of mobility on-demand projects that expand access and reduce transportation cost burden

Ineligible capital projects are:

- School bus electrification and broadband deployment as a standalone project
- Improvements to Federally owned facilities
 - Unless the project is investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government

If a project type isn't explicitly listed as eligible or ineligible, applicants should explain its necessity for advancing the RAISE program goals in their application. The Department will then determine eligibility individually.

Research, demonstration, or pilot projects are only eligible if they lead to long-term, permanent surface transportation infrastructure with independent utility as defined in the Project Components section.

ii. Planning Projects

Eligible planning projects activities include:

³ Eligible surface transportation components of eligible airport projects are those projects listed in “Appendix P: Road and Surface Transportation Projects” of the Airport Improvement Program (AIP) [handbook](#). For more details on airport project eligibility, please see the Frequently Asked Questions on the [RAISE website](#).

⁴ DOT may award a RAISE grant to pay for the surface transportation components of a broader project that has non-surface transportation components, and applicants are encouraged to apply for RAISE grants to pay for the surface transportation components of these projects. However, costs for non-surface transportation components are not eligible to count as matching funds for the RAISE grant.

- Planning, preparation, or design of eligible surface transportation capital projects described in the Capital Projects section that will not result in construction with FY 2025 RAISE funding.
 - For example: environmental analysis, equity analysis, community engagement, feasibility studies, benefit-cost analysis, and other pre-construction activities
- Development of master plans, comprehensive plans, transportation corridor plans, and integrated economic development, land use, housing, and transportation plans
- Zero emissions plan for transit fleet
- Planning activities related to the development of a multimodal freight corridor, including those that seek to reduce conflicts with residential areas and with passenger and non-motorized traffic
- Planning activities related to zero emission goods movement
- Development of port and regional port planning, including State-wide or multi-port planning within a single jurisdiction or region
- Risk assessments and planning to identify vulnerabilities and address the transportation system's ability to withstand probable occurrence or recurrence of an emergency or major disaster

If an application includes right-of-way acquisition, the project will be considered a capital project.

8. PROJECT COMPONENTS

An application for a RAISE grant can include multiple components, which may be executed by different parties. The Department requires all components, whether or not they receive Federal funding, to be delivered as part of the RAISE project.

Components may be funded individually if they meet the following criteria:

- Independently satisfy minimum award amounts and eligibility requirements.
- Independently align with selection criteria
- Meets National Environmental Policy Act (NEPA) requirements for independent utility – meaning the component must be a usable improvement on its own and ready for use upon completion.

Components in a single application must be related. Each component's status should be clearly outlined, for example, in the project schedule. Applicants should also detail independent components and their costs separately, showing how each one meets selection criteria and benefits on its own, in addition to how the full proposal does. Federal funding for some components might subject others to additional Federal requirements.

9. REDUCED AWARDS

If selected for award, the Department may decrease the RAISE funding amount from the applicant's request if some elements of the project are ineligible or to comply with statutory set asides such as awarding funding evenly between projects located in rural and urban areas.

10. PREVIOUS RAISE/BUILD/TIGER RECIPIENTS

Previous recipients of a RAISE grant may apply for funding to support additional phases of their project.⁵ The application should demonstrate the extent to which the previously funded project has met estimated project schedules and budget, as well as the ability to realize the benefits expected for the project. A previous RAISE/BUILD/TIGER award, or application, does not affect competitiveness under the FY 2025 RAISE competition.

⁵ Includes recipients of grants under former names of the program (*Better Utilizing Investments to Leverage Development* (BUILD) and *Transportation Investment Generating Economic Recovery* (TIGER)).

C. PROGRAM DESCRIPTION

1. PROGRAM HISTORY AND AUTHORIZATION

The RAISE program, previously known as the Better Utilizing Investments to Leverage Development (BUILD) and Transportation Investment Generating Economic Recovery (TIGER) discretionary grants, was established under the American Recovery and Reinvestment Act of 2009 to create jobs and spur economic recovery through transportation infrastructure investments. The Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021), authorized and appropriated \$1.5 billion annually to be awarded by the Department of Transportation (“DOT”) 2022 – FY 2026 for Local and Regional Project Assistance Program Grants under National Infrastructure Investments to fund eligible surface transportation projects with significant local or regional impact. As of June 2024, the program has awarded more than \$15 billion over sixteen rounds to local governments, Tribes, transit and port authorities, states, and other entities. The program is codified at [49 U.S.C. 6702](#).

2. PROGRAM GOALS AND OBJECTIVES

The goal of the RAISE program is to fund eligible surface transportation projects that will have a significant local or regional impact that advance the Departmental priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth creation, consistent with law, and as described in the Department’s [Strategic Plan](#)⁶ and in executive orders.

The Department seeks to fund projects under the RAISE program that reduce greenhouse gas emissions in the transportation sector; incorporate evidence-based climate resilience measures and features; avoid adverse environmental impacts to air or water quality, wetlands, and endangered species; and address the disproportionate negative environmental impacts of transportation on disadvantaged communities, consistent with [Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*](#).

In addition, the Department seeks to award projects under the RAISE program that proactively evaluate whether a project will create proportional impacts to all populations in a project area and increase equitable access to project benefits, consistent with [Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*](#).

The Department also seeks to award projects that address environmental justice, particularly for communities that have experienced decades of underinvestment and are most impacted by climate change, pollution, and environmental hazards, consistent with [Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*](#).

The RAISE program advances President Biden’s [Justice40 Initiative](#), which set the goal that 40 percent of the overall benefits of certain climate, clean energy, and other covered Federal investments flow to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution.

⁶ See U.S. Department of Transportation Strategic Plan FY 2022–2026 at <https://www.transportation.gov/dot-strategic-plan>.

In addition, the Department intends to use the RAISE program to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs, especially registered apprenticeships, in project planning stages, consistent with [Executive Order 14025, *Worker Organizing and Empowerment*](#), and [Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act*](#). The Department also intends to use the RAISE program to support wealth creation, consistent with the [Department's Equity Action Plan](#), through the inclusion of local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises or 8(a) firms.

The BIL included provisions for Metropolitan Planning Organizations to consider integrating transportation planning, housing, employment opportunities, and economic development strategies.⁷ The Department strongly encourages applicants to utilize these new planning coordination opportunities in their proposed projects and describe them in their applications. **Note, the RAISE program can only fund the surface transportation infrastructure elements** of a project that may also include housing, employment opportunities, and economic development strategies.

3. RESTRICTIONS ON FUNDING

The Department must comply with the following funding restrictions:

Funding Restriction	Amount
Per State	No more than 15% which is \$225 million
Rural Projects	No more than 50% which is \$750 million
Urban Projects	No more than 50% which is \$750 million
Planning Projects	At least 5% which is \$75 million
Projects Located in Areas of Persistent Poverty and/or History Disadvantaged Communities	At least 1% which is \$15 million

The Department may retain up to \$30 million for oversight and administration of grants. Additionally, the Department may use up to 20 percent of available funds (or \$300 million) to pay the subsidy and administrative costs of a project receiving credit assistance under the [Transportation Infrastructure Finance and Innovation Act of 1998](#) (TIFIA) or [Railroad Rehabilitation and Improvement Financing](#) (RRIF) programs. Note, applicants must apply to both the RAISE program and TIFIA or RRIF loan program to be eligible for the Department to pay for subsidy and administrative costs associated with credit assistance.

Federal funds awarded under this program may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

⁷See BIL div. A § 11201., *Transportation Planning*, which amends [23 U.S.C. 134](#).

4. AVAILABILITY OF FUNDS

The table below outlines the obligation and expenditure deadlines for FY 2025 BIL funding.

Fiscal Year	BIL Funding Obligation Deadline	BIL Funding Expenditure Deadline
FY 2025	September 30, 2029	September 30, 2034

FY 2025 RAISE grant funds must be obligated by September 30, 2029.

- Obligation occurs when a selected applicant and the Department enter into a written grant agreement after the applicant has satisfied applicable local, State and Federal requirements.

FY 2025 RAISE funds must be expended by September 30, 2034.

- Expenditure occurs when a recipient is reimbursed for eligible project costs.
- After this date, unexpended funds are no longer available to the project.

5. PERFORMANCE GOALS

RAISE program performance measures can be found on the [RAISE website](#).

6. PREVIOUS AWARDS

Previous program awards can be seen in [Fact Sheets](#) on the RAISE website.

D. APPLICATION CONTENT AND FORMAT

The Department requires the application to include the following files, in this order and with these specific names:

Information	File Name	NOFO Section	Page Limit
SF-424	SF-424	D.1	N/A
Project Information Form (Excel file)	FY 2025 RAISE Project Information Form	D.2	N/A
Project Description	Project Description	D.3	5 pages
Project Location File	Project Location File	D.4	N/A
Project Budget	Project Budget	D.5	5 pages
Funding Commitment Documentation	Funding Commitments	D.5	N/A
Merit Criteria	Merit Criteria Narrative	D.6	15 pages
Project Readiness	Project Readiness	D.7	5 pages
Benefit-Cost Analysis Narrative (capital projects only)	BCA Narrative	D.8	N/A
Benefit-Cost Analysis Calculations (capital projects only, unlocked Excel file)	BCA Calculations	D.8	N/A
Letters of Support (Optional)	Letters Of Support	D.7	N/A

The Department requires application files to be formatted as follows: single-spaced, 12-point standard font (e.g., Times New Roman), with 1-inch margins. Files should be in PDF unless otherwise specified (e.g., project information form in Excel; location files as Shapefile or KML/KMZ; and BCA calculations in Excel).

Applications should include all necessary information to demonstrate compliance with the Eligibility section and to meet selection criteria in the Criteria section. Applications must be complete at submission; the Department may request additional data, but applicants are not obligated to provide it.

Supporting documents may be included but are not required to be reviewed by evaluators.

Different evaluation teams review the merit criteria, the benefit-cost analysis, budget, and project readiness files.

The Department expects application files to include the following detailed information:

1. STANDARD FORM 424

The SF-424 Application for Federal Assistance must be completed. Applicants may leave the following fields on the form blank: 3, 4, 5a, 5b, 6, 7, 11, 13, and 14. Separate files must be attached in Item 15 to provide required project information that is not included in the body of the SF-424.

2. FY 2025 RAISE PROJECT INFORMATION FORM

The FY 2025 Project Information Form can be downloaded from [Grants.gov](https://www.grants.gov) or from the [RAISE website](#). This form is used to determine applicant and project eligibility.

Information such as applicant name, RAISE amount requested, other Federal funding, non-Federal funding, etc. may be requested in varying degrees of detail on both the SF-424 and the FY 2025 RAISE Project Information Form. Applicants must fill in all fields unless stated otherwise on the forms.

3. PROJECT DESCRIPTION FILE

This file should describe the project to be planned or constructed, including a detailed statement of work covering technical and engineering aspects, current design status, and transportation challenges and solutions. It may also include the project's history and how it fits within the applicant's broader transportation infrastructure investments.

This file should include a narrative description of the project location, detailing the geographic area and providing maps to complement the project location file. It should narratively identify if the project is located in an Area of Persistent Poverty, a Historically Disadvantaged Community, and if the project is Urban or Rural (see Location Designations section for definitions).

4. PROJECT LOCATION FILE

Applicants should submit one of the following file types that detail the project's location so the Department can verify location designations: Shapefile (.zip with .shp, .shx, .dbf, and .prj) or KML/KMZ. Google Earth can be used to create KML/KMZ files. The files should only include the project's direct physical location, not a broad service area or area of impact. **Accurate location data is crucial as it affects eligibility for the FY 2025 RAISE grants program.**

5. PROJECT BUDGET FILES

This file should describe the budget for the RAISE project using the below table and also include a narrative section. **The budget table should show only future eligible project costs and should not include previously incurred expenses.**

Funding Source	[Component 1]	[Component 2]	Total Funding
RAISE Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Other Federal Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Non-Federal Funds:	[\$XXX]	[\$XXX]	[\$XXX]
Total Project Cost:	[\$XXX]	[\$XXX]	[\$XXX]

Note: If there is only a single component, remove “Component 2” column. If there are more than 2 components, add columns.

The budget table must show the **total project cost** by project component and the following funding sources:

- RAISE funding request
- Other Federal funds
- Non-Federal Funds

The budget table and narrative must identify the amount, type (e.g., grant, loan, bond, etc.), and source of all other Federal funds and non-Federal funds included in the budget. The budget table should demonstrate compliance with the statutory cost share requirements.

Applicants must also include the three tables listed below in their project budget file. The Department will use these tables to determine where the majority of project costs occur for the purposes of making APP, HDC, and Urban designations. The total project cost listed in each table should match the total project cost listed in the budget table above, in the SF-424 and in the FY 2025 RAISE Project Information Form. Applicants should reference the [RAISE Grant Project Location Verification](#) mapping tool when filling out the below tables.

2020 Census Tract(s)	Project Costs per Census Tract
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
	Total Project Cost: \$

Note: Please reference the Census Tracts (2020 Census) layer in the [RAISE Grant Project Location Verification](#) mapping tool. Additional rows may be added if necessary.

2010 Census Tract(s)	Project Costs per Census Tract
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
[XX.XX]	\$
	Total Project Cost: \$

Note: Please reference the Census Tracts (2010 Census) layer in the [RAISE Grant Project Location Verification](#) mapping tool. Additional rows may be added if necessary.

Urban and Rural	Project Costs
Urban (2020 Census-designated urban area with a population greater than 200,000)	\$
Rural (Located outside of a 2020 Census-designated urban area with a population greater than 200,000)	\$
	Total Project Cost: \$

Note: Please reference the Census Designated Urban Areas with Population Greater Than 200,000 (2020 Census) layer in the [RAISE Grant Project Location Verification](#) mapping tool.

The budget narrative should include:

- **Sources, Uses, and Availability:** Provide complete information on how all capital or planning project funds may be used, their availability, and documented funding commitments. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction. Examples of documentation include, but are not limited to, a letter signed by a governing official or chief financial officer confirming the amount and source of funding, a page or pages from the Statewide Improvement Program (STIP) or Transportation Improvement Program (TIP) (please do not include a link to the entire STIP/TIP), a signed city ordinance, or a county administrator committing previously approved general obligation bonds.
- **Contingency Amount and Plan:** Indicate the specific contingency amount included in the budget to demonstrate there is sufficient funding to cover unanticipated cost increases and describe a plan to address potential cost overruns. Planning projects are not required to include a contingency amount but must describe a plan to address potential cost overruns.
- **Level of Design:** Indicate the degree of design completion (e.g., no design, 30, 60, 90 percent design) for which the cost was estimated in the case of a capital project;
- **Cost Estimates:** Indicate how, when, and by whom project costs were estimated. Cost estimates should be no older than a year from the application deadline. If older, please apply an inflation factor.

- **Cost Share:** Explain how the project budget satisfies the statutory cost share or non-federal funds matching requirements shown in the project budget table, if applicable.

6. MERIT CRITERIA FILE

This file should demonstrate how the project aligns with each of the 8 statutory merit criteria described in the Merit Criteria section by:

- Organizing the narrative in the order the merit criteria are described in the Merit Criteria section
- Addressing each merit criteria separately by:
 - Identifying the bullet(s) from the rubric the project addresses
 - Identifying the element(s) of the project that address the bullet(s) from the rubric
 - Providing supporting justification using data. Unsupported claims may harm the application's competitiveness.

Applicants are encouraged to use the Department's [Equitable Transportation Community \(ETC\) Explorer](#) as a resource to describe how their project area is experiencing transportation related disadvantage as it relates to safety, affordable transportation options, pollution, access to good-paying jobs, climate change, and/or improving quality of life.

Insufficient information to assess any criterion will negatively impact the project rating.

Merit reviewers will focus on this file and will not be required to reference links or the other files in the application package.

7. PROJECT READINESS FILE

Project readiness describes an applicant's preparedness to move a proposed project forward once it receives a RAISE grant. The Project Readiness file should include information that, when considered with the project budget information, is sufficient for the Department to evaluate whether the project is reasonably expected to begin the capital or planning project in a timely manner and meet both the obligation and expenditure deadlines. To assist the Department's environmental risk review, the applicant should provide the information requested on project schedule, required approvals and permits, NEPA class of action and status, public involvement, right-of-way acquisition plans, risk assessment, and risk mitigation strategies. Applicants can see a general Project Readiness checklist on the [DOT Navigator](#). The Project Readiness file should include the sections outlined below. Supporting material that exceeds page limits may be provided as hyperlinks, attachments, or appendices.

i. Planning and Constructability

Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents.

- **STIP / TIP / TTIP / TAM Plan:** Is the project already listed in the STIP, TIP, Tribal Transportation Improvement Program (TTIP), and/or Transit Asset Management (TAM) Plan, if applicable? If so, provide links or attachments that show the project listing in the applicable plans/programs. If the project is not yet listed, describe any coordination that

has/will occur to facilitate listing in the applicable plans/programs and the anticipated date when listing will occur.

- Consistency with Other Plans: Is your proposal listed in and/or consistent with any other plans (e.g., the Long-Range Statewide Transportation Plan and/or Metropolitan Long-Range Plan)? If so, please summarize and provide a link to appropriate project listing.
- Freight Plans: To the extent possible, freight projects should be included in a State Freight Plan and supported by a State Freight Advisory Committee (49 U.S.C. 70201, 70202), if these exist. Applicants should provide links or other documentation supporting this consideration such as letters of support from the State DOT if the project is intended to be included in the State Freight Plan, or results from application of the [FHWA Freight Mobility Trends Tool](#).
- Property Acquisition / Right-of-Way (ROW): Who is the owner of the existing facility? Will any new ROW acquisition be required, and if so, from whom? If acquisition will be required, describe the status and anticipated schedule for the acquisition. Will any special ROW permits or approvals be needed? If so, please describe.
- Construction Techniques and Phasing: Will the proposed improvements require unique construction techniques, non-standard project delivery methods (e.g., approaches other than design-bid-build), and/or phasing? If so, please describe.

ii. Proposed Schedule

- List the completed and/or anticipated dates (calendar month and year, not fiscal year or quarter) for the following key milestones. Dates provided should reflect a realistic amount of time to complete each milestone. Ensure that dates provided here are consistent with dates provided elsewhere in the application.
 - Start and end of preliminary design
 - Start and end of the NEPA process
 - Start and end of obtaining permits/approvals (if required)
 - Project listed in STIP, TIP, TTIP, and/or TAM Plan (as applicable)
 - Start and end of final design
 - Start and end of ROW acquisition (if required)
 - Anticipated finalization of RAISE grant agreement (if awarded)
 - Anticipated obligation of grant funds (if awarded)
 - Start and end of construction
- Project Development Phases to be Funded with RAISE: Describe the project development phase(s) proposed to be funded with RAISE funds (if awarded), and whether RAISE funds are proposed to be used for phases other than ROW acquisition and construction (e.g., for design, NEPA, etc.). Note: typically, milestones for establishing the grant agreement and obligation of funds should be scheduled before any activities/phases that will use RAISE funds.

iii. NEPA and Permitting

- NEPA Class of Action: List the class of action/type of document that has already been or will be prepared to comply with the National Environmental Policy Act (NEPA) of 1969,

as amended (e.g., a categorical exclusion, an environmental assessment, an environmental impact statement, or class of action not yet determined). If multiple NEPA documents are being prepared for this proposal, briefly explain why, and complete the prompts below for each document.

- NEPA Status and Milestones: Briefly describe the status of NEPA compliance (e.g., not started, underway, or complete), the anticipated project impacts, and proposed mitigation measures. If the NEPA process has been completed, provide the final approval date for the NEPA document. If the NEPA process has not yet been completed, list the key remaining milestones for the NEPA process, their status, and their anticipated completion dates. Identify any anticipated challenges to timely completing the NEPA process.
- Link to NEPA Documentation: If draft or final NEPA documentation is available, provide a hyperlink, attach it, or append it.
- Reevaluation and Post-Approval Changes: Describe any planned and/or completed efforts to reevaluate the NEPA documentation between the final NEPA approval and beginning of construction. Reevaluation may be warranted based on the passage of time and/or changes in the project scope, setting, impacts, or applicable requirements since the final NEPA approval.
- Permits and Approvals: List any federal, state, or local permits and approvals anticipated to be needed for the project (e.g., Clean Water Act Section 404 permit, Endangered Species Act Section 7 consultation, etc.). Provide the status of each permit or approval and the date that the permit or approval was obtained or is anticipated to be obtained. Summarize and attach relevant correspondence or documentation of consultation with permitting agencies.
- Coordination with DOT: Identify the federal lead agency for the NEPA process and any joint-lead agencies. Describe any coordination that has occurred with an agency or operating administration of USDOT regarding the project proposal and/or NEPA analysis. Describe any coordination with state, county, or local transportation agencies regarding preliminary design and the NEPA process.

iv. Project Support

- Public and Agency Involvement Process: Summarize the key events and techniques used to engage the public and other stakeholders during the NEPA process. Highlight efforts to engage disadvantaged communities and communities likely to be affected by the project, including details on compliance with environmental justice requirements and access for persons with disabilities and limited English proficiency. These efforts may include public meetings, a public website, presentations to community groups, newsletters, online outreach, etc.
- Public and Agency Involvement Results: Summarize the support, opposition, and/or other notable feedback related to the project from the following groups and describe how stakeholder feedback has been integrated into project development and design:
 - The public, including members of communities affected by the proposal,
 - Elected officials and/or bodies (e.g., federal and state legislators, city and county councils and boards, etc.),

- Other entities (e.g., members of business or industry, community organizations, advocacy groups, etc.), and
- Federal, state, or local agencies (reference any relevant information provided in the NEPA and Permitting section above).
- Attach and reference documentation of support as applicable (e.g., letters of support, letters of commitment, resolutions, summaries of public comments, etc.)

v. Risks and Mitigation

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match (non-federal funding), lack of support from stakeholders or impacted communities, or lack of legislative approval affect the likelihood of successful project start and completion. Project risks can also include the unavailability of vehicles that either comply with Federal Motor Vehicle Safety Standards or are exempt from Federal Motor Vehicle Safety Standards in a manner that allows for their legal acquisition and deployment, and unavailability of domestically manufactured equipment.

- The applicant should identify all material risks and harms to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks, and describe the potential effects of each risk on meeting the key project delivery schedule milestones presented in the Proposed Schedule. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.
- If an applicant anticipates pursuing a waiver for relevant domestic preference laws, the applicant should describe steps that have been or will be taken to maximize the use of domestic goods, products, and materials in constructing its project. To the extent the applicant is unfamiliar with the Federal program, the applicant should contact the appropriate DOT operating administration field or headquarters offices, as found in contact information on the [RAISE website](#), for information on the prerequisite steps to obligate Federal funds in order to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

vi. Technical Capacity Assessment

All applications should include a section in the Project Readiness file that demonstrates their technical capacity to successfully deliver the project in compliance with applicable Federal requirements including, but not limited to, compliance with Title VI/Civil Rights requirements and Buy America provisions. The applicant should address the following in the technical capacity section of the Project Readiness file:

- Federal Funding: experience implementing federally funded transportation projects.
- Federal Regulations: understanding of federal contract and procurement requirements, Buy America, Americans with Disabilities Act, Uniform Relocation Assistance and Real Property Acquisition Act, Davis Bacon Act, etc.
- Project Planning: practice incorporating projects into long-range development plans or adding projects to the TIP/STIP through the MPO planning process.

- Project Delivery: examples of successfully delivered projects of similar size, scope, and complexity.

8. BENEFIT-COST ANALYSIS

The purpose of the Benefit-Cost Analysis (BCA) is to enable the Department to evaluate the cost-effectiveness of the proposed project by comparing its expected benefits to its expected costs relative to the current problem often referred to as the “baseline” or “no-build alternative.” The baseline defines the world without the proposed project.

Any benefits claimed for the proposed project, both quantified and unquantified, should be clearly tied to the expected outcomes of the proposed project. While benefits should be quantified wherever possible, applicants may also describe other categories of benefits in the BCA that are more difficult to quantify and/or value in economic terms.

There should be two BCA files included in the application: (1) a narrative description of the BCA; and (2) an unlocked spreadsheet revealing the underlying calculations:

- Narrative Description of Analysis: The BCA narrative should describe the current baseline, the sources of data used to estimate the benefits of the project, document any assumptions, and the values of key input parameters. Applicants may also provide a table similar to the one shown below summarizing the impacts of the project and how those impacts would translate into expected benefits. This is shown as an example only:

Baseline / Current Status and Problem to be Addressed	Change to Baseline / Proposed Project to Address Problem	Example Impacts
A freeway divides two neighborhoods	A new street will be constructed to connect neighborhoods on each side of the freeway	Reduced travel time for pedestrians and cyclists by X miles per day due to a more direct route, as well as reduced emissions, vehicle operating costs, and travel time for vehicle occupants by lowering VMT by Y miles per year
A roadway with a high number of pedestrian fatalities has no sidewalks or marked crosswalks	Sidewalks, high visibility crosswalks, and upgraded lighting will be added to the roadway	Reduced pedestrian fatalities and injuries by X and Y per year, respectively, as well as amenity benefits of wider sidewalks for Z daily pedestrian trips

- Spreadsheet Revealing Underlying Calculations: The BCA spreadsheet file should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by Department evaluators. While DOT does not have a prescribed format for the BCA spreadsheet submitted by the applicant beyond ensuring that it is unlocked, to allow review, the Department is also developing a new BCA spreadsheet template that will be available to assist applicants in structuring their analysis.

Applicants should review the Department's detailed guidance on how to conduct a BCA. Both the guidance document and spreadsheet template will be available on the [RAISE website](#).

E. SUBMISSION REQUIREMENTS AND DEADLINE

1. ADDRESS TO REQUEST APPLICATION PACKAGE

All application materials may be found on [Grants.gov](https://www.grants.gov) and the [RAISE website](#).

2. UNIQUE ENTITY IDENTIFIER (UEI) AND SYSTEM FOR AWARD MANAGEMENT (SAM)

Each applicant must:

- Be registered in [SAM.gov](https://sam.gov) before submitting its application;
- Provide a valid unique entity identifier in its application; and
- Continue to maintain an active registration in SAM.gov with current information at all times during which it has an active Federal award or an application under consideration by a Federal agency.

Please note that the SAM registration process takes **several weeks to complete, if not longer**.

i. Submission Instructions

All applications must be submitted electronically through [Grants.gov](https://www.grants.gov)

The Department does not accept applications via mail, fax machine, email, or other means.

Each applicant must:

- Create a [Grants.gov](https://www.grants.gov) username and password
- The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from [Grants.gov](https://www.grants.gov) and login at [Grants.gov](https://www.grants.gov) to authorize the applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization

Failure to register for SAM or comply with [Grants.gov](https://www.grants.gov) applicant requirements in a timely manner will not be considered for exceptions to the submission requirements and deadline.

ii. Submission Issues

The Department is not able to assist with technical issues related to [Grants.gov](https://www.grants.gov) registration or application submission. For information and instructions, please see [Grants.gov](https://www.grants.gov). If applicants experience difficulties at any point during the registration or application submission process, please call the Customer Service Support Hotline at 1-800-518-4726 or email support@grants.gov.

3. SUBMISSION DEADLINE

Applications must be submitted through [Grants.gov](https://www.grants.gov) by 11:59 PM eastern on January 30, 2025. [Grants.gov](https://www.grants.gov) attaches a time stamp to each application at the time that submission is complete.

i. Consideration of Applications

Only applicants who comply with all submission deadlines described in this notice and electronically submit valid, on-time applications through [Grants.gov](https://www.grants.gov) will be eligible for evaluation and possible selection for award.

ii. Late Applications

Any applications that [Grants.gov](https://www.grants.gov) time stamps after 11:59 PM eastern on the deadline will not be accepted. Applicants are strongly encouraged to make submissions days, if not weeks, in advance of the deadline. Applicants facing technical issues are advised to contact the [Grants.gov](https://www.grants.gov) helpdesk well in advance of the deadline.

4. INTERGOVERNMENTAL REVIEW

This program is not subject to EO 12372, Intergovernmental Review of Federal Programs.

5. COMPLIANCE WITH SECTION 508 OF THE REHABILITATION ACT OF 1973

The Department encourages applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973 (see [Section 508 guidelines](#)).

F. APPLICATION REVIEW INFORMATION

1. CRITERIA

This section specifies the criteria the Department will use to evaluate applications.

TIER 1 All Eligible Applications	
Merit Criteria Review	
TIER 2	
All applications rated “Highly Recommended” under the merit criteria review automatically advance for second tier analysis. The Senior Review Team (SRT) can advance applications rated “Recommended” for second tier analysis.	
Project Readiness Review	
Environmental Risk Assessment (capital projects only)	
Financial Completeness Assessment	
Technical Capacity Assessment	
Benefit-Cost Analysis (capital projects only)	

The Department will review merit criteria for all applications. Highly Recommended capital applications will automatically advance to receive second-tier analysis consisting of three Project Readiness reviews: (1) Environmental Risk Assessment; (2) Technical Capacity Assessment; and (3) Financial Completeness Assessment, as well as a Benefit-Cost Analysis (BCA). Highly Recommended planning applications will automatically advance to receive second-tier analysis consisting of two Project Readiness areas: (1) Technical Capacity Assessment; and Financial Completeness Review. Environmental Risk Assessment and BCA will not be reviewed for planning applications. The SRT can advance select Recommended capital and planning applications for second-tier analysis under the circumstances described in the Review and Selection Process section.

iii. Merit Criteria

For each merit criterion, the Department will evaluate whether the application uses data-driven and evidence-based methods to demonstrate that the project will provide the anticipated benefits, which will result in a rating of “high,” “medium,” “low,” or “non-responsive” as described in the rubric below.

Individual Merit Criteria Ratings	
High	The criterion must be addressed as a primary project purpose (not an ancillary or incidental consideration, except for the Partnership and Collaboration and Innovation criteria), must include clear, direct, data-driven (capital projects only), and significant benefits, and must align with at least one of the benefits described in the high column of the merit criteria rubric.
Medium	The criterion may not be a primary project purpose, or the project benefits do not meet at least one of the requirements for a 'high' rating, as described in the merit criteria rubric.
Low	The application contains insufficient information to assess that criterion's benefits.
Non-Responsive	The proposed project negatively affects the criterion, or the application does not address the criterion.

Planning grant applications will be evaluated against the same merit criteria as capital grants. Planning grant applications should include data on the problem intended to be addressed, but information does not need to be as driven by data as a capital project when estimating benefits of the implemented project since data is often an outcome of the project to be planned. The Department will consider how the plan, once implemented, will ultimately further the merit criteria.

The combination of individual criterion ratings will inform one overall Merit Rating: Highly Recommended, Recommended, Acceptable, or Unacceptable, as shown below.

Overall Merit Rating	
Highly Recommended	six or more of the eight merit criteria ratings are "high" none of the merit criteria ratings are "non-responsive"
Recommended	one to five of the merit criteria ratings are "high" no more than three of the merit criteria ratings are "low" none are "non-responsive"
Acceptable	a combination of "high," "medium," "low," or "non-responsive" ratings that do not fit within the definitions of Highly Recommended, Recommended, or Unacceptable
Unacceptable	three or more "non-responsive" ratings

Merit Criteria	Non-Responsive	Low	Medium	High
Safety	Application did not address the Safety criterion OR Project negatively affects safety	Application contains insufficient information to assess safety benefit	The project has one or more of the following safety benefits, but safety may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating: • Protect non-motorized or motorized travelers from safety risks; or • Reduce any number of fatalities and/or serious injuries	Safety is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only), and significant benefits that targets a known, documented safety problem, by doing one or more of the following: • Protect non-motorized travelers from safety risks; or • Reduce fatalities and/or serious injuries in underserved communities to bring them below the state-wide average; or • Incorporate and cite specific actions and activities identified in the Department’s National Roadway Safety Strategy plan or Improving Safety for Pedestrians and Bicyclists Accessing Transit report, or FTA’s Safety Advisory 23-1: Bus-to-Person Collisions; or • Incorporate specific safety improvements that are part of a documented risk reduction mitigation strategy and that have, for example, port-wide or transit system impact.

Merit Criteria	Non-Responsive	Low	Medium	High
Environmental Sustainability	Application did not address the Environmental Sustainability criterion OR Project negatively affects environmental sustainability	Application contains insufficient information to assess environmental sustainability benefits	Project has one or more of the following environmental sustainability benefits, but environmental sustainability may not be a primary project purpose or does not meet the description(s) of a 'high' rating: • Reduce transportation-related air pollution and greenhouse gas emissions; or • Reduce vehicle miles traveled; or • Incorporate lower-carbon pavement/construction materials; or • Redevelop brownfield sites; or • Improve resilience of infrastructure to current and future weather and climate risks; or • Make basic stormwater improvements	Environmental sustainability is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only), and significant benefits that explicitly considers climate change and environmental justice, by doing one or more of the following: • Reduce transportation-related air pollution and greenhouse gas emissions in disadvantaged communities; or • Address the disproportionately negative environmental impacts of transportation on disadvantaged communities such as by reducing exposure to elevated levels of air, water, and noise pollution; or • Align with the applicant's State Carbon Reduction Strategy, State Electric Vehicle Infrastructure Deployment Plan, or other State, local, or tribal greenhouse gas reduction plan; or • Align with the U.S. National Blueprint for Transportation Decarbonization; or • Implement transportation-efficient land use and design, such as drawing on the features of historic towns and villages that had a mix of land uses, compact and walkable development patterns, accessible

Merit Criteria	Non-Responsive	Low	Medium	High
				green space, and neighborhood centers that make it convenient to take fewer or shorter trips; or • Reduce vehicle miles traveled specifically through modal shift to transit, rail, or active transportation; or • Reduce emissions specifically by shifting freight to lower-carbon travel modes; or • Incorporate energy efficient investments, such as electrification or zero emission vehicle infrastructure; or • Improve the resilience of at-risk infrastructure to be resilient to extreme weather events and natural disasters caused by climate change, such as by using best-available climate data sets, information resources, and decision-support tools; or • Incorporate nature-based solutions or natural infrastructure with the use of native plants; or • Referenced in a Resilience Improvement Plan or similar plan; or • Remove, replace, or restore culverts for the purpose of improving habitat for aquatic species; or

Merit Criteria	Non-Responsive	Low	Medium	High
				Avoid adverse environmental impacts to air or water quality, wetlands, and endangered species
Quality of Life	Application did not address the Quality of Life criterion OR Project negatively affects quality of life	Application contains insufficient information to assess quality of life benefits	Project has one or more of the following quality of life benefits but quality of life may not be a primary project purpose or does not meet the description(s) of a 'high' rating: - Increase affordability for travelers; or - Reduces vehicle dependence	Quality of life is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only) and significant benefits, by doing one or more of the following: - Increase affordable transportation choices by improving and expanding active transportation usage or significantly reducing vehicle dependence, particularly in underserved communities; or - Reduce transportation and housing cost burdens by integrating mixed-use development and a diversity of housing types, including affordable housing, with multimodal transportation infrastructure; or - Coordinate and integrate land use, affordable housing, and transportation planning in order to create more livable communities and expand travel choices; or - Improve access to daily destinations like jobs, healthcare, grocery stores, schools, places of worship, recreation, or parks through transit and active transportation; or - Implement transit-oriented development that benefits existing

Merit Criteria	Non-Responsive	Low	Medium	High
				residents and businesses, low-income and disadvantaged communities, and minimizes displacement; or • Improve public health by adding new facilities that promote walking, biking, and other forms of active transportation; or • Mitigate urban heat islands to protect the health of at-risk residents, outdoor workers, and others; or • Proactively addresses equity.
Mobility and Community Connectivity	Application did not address the Mobility and Community Connectivity criterion OR Project negatively affects mobility and community connectivity	Application contains insufficient information to assess mobility and community connectivity benefits	Project has one or more of the following mobility and community connectivity benefits, but mobility and community connectivity may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating: • Increase accessible transportation choices; or • Include ADA improvements	Mobility and community connectivity is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only) and significant benefits, by doing one or more of the following: • Improve system-wide connectivity with access to transit, micro-mobility, and mobility on-demand; or • Implement plans, based on community participation and data, that addresses gaps identified in the existing network; or • Remove physical barriers for individuals by reconnecting communities to direct, affordable transportation options; or • Include transportation features that increase the accessibility for non-

Merit Criteria	Non-Responsive	Low	Medium	High
				motorized travelers in underserved communities; or • Incorporate Universal Design including details of how the improvements go beyond ADA requirements by designing environments to be usable by all people, to the greatest extent possible, without the need for adaption or specialized design such as a Complete Streets approach; or • Directly increasing intermodal and multimodal freight movement; or • Consider last-mile freight plans in a Complete Streets and multimodal approach
Economic Competitiveness and Opportunity	Application did not address the Economic Competitiveness and Opportunity criterion OR Project negatively affects economic competitiveness and opportunity	Application contains insufficient information to assess economic competitiveness and opportunity benefits	Project has one or more of the following economic competitiveness and opportunity benefits, but economic competitiveness and opportunity may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating: • Improve travel time reliability; or • Improve movement of goods; or • Create jobs related to the project’s delivery	Economic competitiveness is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only), and significant benefits, by doing one or more of the following: • Improve intermodal and/or multimodal freight mobility, especially for supply chain bottlenecks; or • Facilitate tourism opportunities; or • Promote local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises or 8(a) firms; or • Promote wealth building; or

Merit Criteria	Non-Responsive	Low	Medium	High
			and on-going operations	- Promote long-term economic growth and other broader economic and fiscal benefits; or - Create good-paying jobs with free and fair choice to join a union including through the use of a project labor agreement; or - Adopt local and economic hiring preferences for the project workforce or include other changes to hiring policies and workplace cultures to promote the entry and retention of underrepresented populations; or - Promote greater public and private investments in land-use productivity, including rural main street revitalization or locally driven density decisions that support equitable commercial and mixed-income residential development
State of Good Repair	Application did not address the State of Good Repair criterion OR Project negatively affects state of good repair	Application contains insufficient information to assess state of good repair benefits	Project has one or more of the following state of good repair benefits but state of good repair may not be a primary project purpose or does not meet the description(s) of a 'high' rating: - Routine or deferred maintenance; or - Create new infrastructure (not in a	State of good repair is a primary project purpose AND the project has clear, direct, data-driven (for capital projects only) and significant benefits, by doing one or more of the following: Restore and modernize (such as through road diets and complete streets approaches) the existing core infrastructure assets that have met their useful life; or

Merit Criteria	Non-Responsive	Low	Medium	High
			remote community) that will be maintained in a state of good repair; or - Identify the party responsible for maintenance and describe how the new or improved asset(s) will be maintained in a state of good repair; or - Resolve the current or projected transportation system vulnerabilities	- Reduce construction and maintenance burdens through efficient and well-integrated design; or - Create new infrastructure in remote communities that will be maintained in a state of good repair; or - Address current or projected transportation system vulnerabilities for underserved communities; or - Prioritize improvement of the condition and safety of existing transportation infrastructure within the <u>existing</u> footprint
Partnership and Collaboration	Application did not address the Partnership and Collaboration criterion OR Project negatively affects partners or community members (e.g., negative impacts from ROW acquisition, lack	Application contains insufficient information to assess the partnership and collaboration benefits	Project has one or more of the following partnership and collaboration benefits but partnership and collaboration may not be a primary project purpose or does not meet the description(s) of a ‘high’ rating: - Collaborate with public and/or private entities; or - Document support from local, regional, or national levels	Project has, or demonstrates plans to, support and engage diverse people and communities by doing one or more of the following: Engage residents and community-based organizations to ensure equity considerations for underserved communities are meaningfully integrated throughout the lifecycle of the project, for example, by citing and describing how the project aligns with the Department’s Promising Practices for Meaningful Public Involvement in Transportation Decision-Making Guide; or

Merit Criteria	Non-Responsive	Low	Medium	High
	of support for the project, etc.)			• Coordinate with other types of projects such as economic development, commercial or residential development near public transportation, power/electric infrastructure projects, or broadband deployment; or • Partner with Disadvantaged Business Enterprises or 8(a) firms; or • Partner with high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships. These programs should have a focus on expanding access for women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.); or • Partner and engage with unions and/or worker organizations in the development of the project and the lifecycle of the project, including the maintenance or operation of the completed project; or • Partner with communities or community groups representative of historically underrepresented groups to develop workforce strategies; or

Merit Criteria	Non-Responsive	Low	Medium	High
				- Establish formal public-private partnerships or joint ventures to expand or create new infrastructure or economic development capacity; or - Participate in the Thriving Communities Network
Innovation	Application did not address the Innovation criterion. OR Includes non-innovative practices or components	Application contains insufficient information to assess innovation benefits	Project has one or more of the following innovation benefits but does not meet the description(s) of a ‘high’ rating: Deploy technologies, project delivery, or financing methods that are <u>new or innovative to the applicant or community</u>	Project has, or demonstrates plans for, one or more of the following innovative benefits. Innovative Technologies - Enhance the environment for electric, connected, or automated vehicles to improve the detection and mitigation of safety risks; or - Improve safety using Advanced Driver Assistance Systems on public transit vehicles, including functions such as precision docking; lane keeping or lane centering; or - Use sensors or small unmanned aerial vehicles to enhance infrastructure inspection and asset management processes; or - Use sensors to monitor real-time conditions of pavement quality, signage, crosswalks, transit headways, or other public infrastructure; or - Use low-carbon or other innovative materials; or

Merit Criteria	Non-Responsive	Low	Medium	High
				• Use caps, land bridges, or underdecks; or • Use active grade crossing detection systems to enable responsive traffic management; or • Use detection systems on railroads to target and deter trespassing; or • Digitalize curb management to optimize use across purposes and modes, including freight, pick-up drop-off, and transit usage Innovative Project Delivery • Use practices that facilitate accelerated project delivery such as single contractor design-build arrangements, Advanced Digital Construction Management, Accelerated Bridge Construction, Digital as-builts, or an up-to-date programmatic agreement between an environmental resource agency and a state DOT, or other NEPA lead agency, that establishes a streamlined process for environmental consultations and permits for commonly encountered project types. Innovative Financing • Secure TIFIA, RRIF, or private activity bond financing; or • Use congestion pricing or other demand management strategies

Safety

The Department will assess how the project targets a known safety problem and seeks to protect motorized or non-motorized travelers from safety risks on roadways, transit, rail, or ports.

Applicants are highly encouraged to include data-driven information when addressing the safety criterion such as the current and projected number or rate of crashes, fatalities and/or serious injuries among transportation users and how those compare to the statewide average; details about the transportation user that will reap the safety benefits such as whether the project addresses vulnerable roadway users⁸ or whether the project addresses inequities in crash victims. If applicable, applicants should describe how the project incorporates specific actions and activities identified in the Department's [National Roadway Safety Strategy](#), or [Improving Safety for Pedestrians and Bicyclists Accessing Transit report](#), or [FTA's Safety Advisory 23-1: Bus-to-Person Collisions](#).

Environmental Sustainability

The Department will consider the extent to which the project incorporates considerations of climate change and environmental justice in the project planning or project delivery stage. Environmental justice means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people: (i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and (ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

The Department will evaluate whether and how the project demonstrates environmental sustainability benefits. For this assessment, the Department will consider, for example, how the project will significantly reduce transportation-related pollution like air pollution and greenhouse gas emissions; aligns with the applicant's State, regional, county or city carbon-reduction plan or the [U.S. National Blueprint for Transportation Decarbonization](#); address the disproportionate negative environmental impacts of transportation such as exposure to elevated levels of air, water, and noise pollution; or implement transportation-efficient land use and design, such as drawing on the features of historic towns and villages that had a mix of land uses, compact and walkable development patterns, accessible green space, and neighborhood centers that make it convenient to take fewer or shorter trips.

The Department will assess whether and how the project is expected to reduce emissions, such as shifts to lower emissions vehicles, transit, or active transportation; shift freight to lower-carbon

⁸ As defined by FHWA's Vulnerable Road User Safety Assessment Guidance, a vulnerable road user is a non-motorist and may include people walking, biking, or rolling as well as highway workers on foot in a work zone.

travel modes to reduce emissions; improve the resiliency of at-risk infrastructure⁹ to withstand extreme weather events and natural disasters caused by climate change such as by using [best-available climate data sets](#), [information resources](#), and [decision-support tools](#), and incorporating [nature-based solutions](#) or [natural infrastructure](#); or incorporates lower-carbon pavement or construction materials as described in the Environmental Protection Agency’s [interim guidance on low-carbon materials](#) or the [U.S. National Blueprint for Transportation Decarbonization](#).

The Department will also consider whether and how the project will incorporate energy efficient investments such as electrification or zero emission vehicle infrastructure; redevelop brownfield sites; remove, replace, or restore culverts to improve passage of aquatic species; or avoid adverse impacts to air or water quality, wetlands, and endangered species. If applicable, applicants are encouraged to make floodplain upgrades consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in [Executive Order 14030, Climate-Related Financial Risk](#) and [Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input](#).

Quality of Life

The Department will consider whether and how the project will improve quality of life, such as by increasing affordable transportation choices and expanding active transportation usage or significantly reducing vehicle dependence; reduce transportation and housing cost burdens by integrating mixed use development and a diversity of housing types (including affordable housing) with multimodal transportation infrastructure; coordinate and integrate land use, affordable housing, and transportation planning in order to create more livable communities and expand travel choices; reduce vehicle dependence and improve access to daily destinations such as jobs, healthcare, grocery store, schools, places of worship, recreation, or parks such as by adding new facilities that promote walking, biking; implement transit-oriented development that benefits existing residents and businesses; mitigate urban heat islands to protect the health of at-risk residents, outdoor workers, and others; or proactively address racial equity.¹⁰

Mobility and Community Connectivity

The Department will assess whether and how the applicant will improve mobility and community connectivity. For this assessment, DOT will consider, for example, how the project will address system-wide connectivity with access to transit, micro-mobility, and mobility on-demand; implement plans, based on community participation and data, that identifies and addresses gaps in the existing network; remove physical barriers for individuals by reconnecting communities to direct, affordable transportation options; include transportation features that increase accessibility for non-motorized travelers, such as through a Complete Streets approach;

⁹ For the RAISE program, at-risk infrastructure is defined as infrastructure that is subject to, or faces increased long-term future risks of, a weather event, a natural disaster, or changing conditions, such as coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

¹⁰ Definitions for “racial equity” and “underserved communities” are found in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Sections 2 (a) and (b).

incorporate Americans with Disabilities Act (ADA) or [Universal Design](#)¹¹ improvements; directly increase intermodal and multimodal freight movement; or considers last-mile freight plans in a Complete Streets and multimodal approach.

Economic Competitiveness and Opportunity

The Department will assess whether and how the project will improve economic competitiveness and opportunity. For this assessment, DOT will consider, for example, how the project will improve intermodal or multimodal freight mobility, especially for supply chain bottle necks; facilitate tourism; promote local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises or 8(a) firms; wealth building; long-term economic growth and other broader economic and fiscal benefits; create good-paying jobs with free and fair choice to join a union including through the use of a project labor agreement; or adopt local and economic hiring preferences for the project workforce or include other changes to hiring policies and workplace cultures to promote the entry and retention of underrepresented populations. DOT will evaluate the extent to which the project will promote greater public and private investments in land-use productivity, including rural main street revitalization or locally driven density decisions that support equitable commercial and mixed-income residential development.

State of Good Repair

The Department will assess whether and to what extent the project improves state of good repair. For this assessment, DOT will consider, for example, how the project will mitigate current or projected system vulnerabilities; restore and modernize (such as through road diets and Complete Streets approaches) the existing core infrastructure assets that have met their useful life; reduce construction and maintenance burdens through efficient and well-integrated design; create new infrastructure *in remote communities* that will be maintained in a state of good repair; prioritize improvement of the condition and safety of existing transportation infrastructure within the existing footprint; conduct routine or deferred maintenance; create new infrastructure (*not in a remote community*) that will be maintained in a state of good repair; or identify the party responsible for maintenance and how the new or improved asset(s) will be maintained in a state of good repair.

The Department encourages applicants to improve the condition and safety of existing state and locally owned transportation infrastructure within the right-of-way before proposing projects that add new general purpose travel lanes serving single occupancy vehicles.

Partnership and Collaboration

The Department will consider the extent to which the project has or will support and engage diverse people and communities. For this assessment, DOT will consider, for example, how the project has or will collaborate with public and/or private entities; documents support from local, regional, and/or national levels; engage residents and community-based organizations to ensure

¹¹ Definition for “Universal Design” found on the General Services Administration’s Section508.gov website and states, “Universal design is a concept in which products and environments are designed to be usable by all people, to the greatest extent possible, without the need for adaption or specialized design.”

equity considerations for underserved communities are meaningfully integrated throughout the project. Applicants should describe how the project incorporates specific actions and activities identified in the Department's [Promising Practices for Meaningful Public Involvement in Transportation Decision-Making Guide](#); coordinate with other types of projects such as economic development, commercial or residential development near public transportation, power/electric infrastructure projects, or broadband deployment; partner with Disadvantaged Business Enterprises or 8(a) firms; partner with high-quality workforce development programs with supportive services¹² to help train, place, and retain underrepresented communities in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs that serve underrepresented groups, and proactive plans to prevent harassment; partner and engage with local unions or other worker-based organizations in the development and lifecycle of the project, including through evidence of project labor agreements and/or community benefit agreements; or partners with communities, or community groups representative of historically underrepresented groups, to develop workforce strategies; or establish formal public-private partnerships or joint ventures to expand or create new infrastructure or economic development capacity. DOT will assess the level of detail and description provided about the partnerships listed above. Applications that provide more details and descriptions about the project partnership will be rated higher than those that do not, in alignment with the merit rating rubric.

The Department will consider whether the applicant is participating in the [Thriving Communities Network](#). Applications that include right-of-way acquisition plans that minimally disrupts communities and maintains community cohesion will be more competitive than right-of-way acquisition plans that disrupt communities. For projects involving other Federal agencies, or requiring action from other Federal agencies, DOT will consider the level of involvement and commitment from those agencies. For example, relevant port projects should demonstrate alignment with U.S. Army Corps of Engineers investment strategies.

Innovation

The Department will assess the extent to which the applicant uses innovative: (1) technologies; (2) project delivery; or (3) financing. If this project is the first time the applicant or community will deploy specific innovations, the Department will consider them innovative, to the extent applicants provide enough detail to determine whether the innovations being deployed are new or innovative to the applicant or community regardless of whether other applicants or communities have implemented these innovations.

- **Innovative Technologies:** The Department will consider how the project enhances the environment for connected, electric, or automated vehicles to improve the detection, mitigation, and documentation of safety risks. Examples include the use of Advanced

¹² Supportive services are critical to help women and people facing systemic barriers to employment be able to participate and thrive in training and employment. Recommended supportive services include childcare, tools, work clothing, application fees and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups like mentoring, support groups, and peer networking.

Driver Assistance Systems on public transit vehicles and detection systems on railroads to target and deter trespassing. The Department will assess the extent to which the project uses innovative technology that significantly enhances the operational performance and maintenance of the surface transportation system including sensors to inspect infrastructure and manage assets or to monitor real-time conditions of pavement quality, signage, crosswalks, or transit headways; active grade crossing detection systems to enable responsive traffic management; or digitalized curb management to optimize use across purposes and modes, including freight, pick-up drop-off, and transit usage. The use of low-carbon materials as well as the use of caps, land bridges, or underdecks are also considered innovative.

- Please note that all innovative technology must follow 2 CFR § 200.216. If an applicant is proposing to deploy autonomous vehicles or other innovative motor vehicle technology, the Department will consider whether and how the applicant demonstrates that all vehicles will comply with applicable safety requirements, including those administered by the National Highway Traffic Safety Administration (NHTSA) and Federal Motor Carrier Safety Administration (FMCSA). Specifically, the Department will consider whether the vehicles acquired for the proposed project will comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carrier Safety Regulations (FMCSR). If the vehicles may not comply, the Department will consider applications that do one of the following more competitive than applications that do not: either (1) show that the vehicles and their proposed operations are within the scope of an exemption or waiver that has already been granted by NHTSA, FMCSA, or both agencies or (2) directly address whether the project will require exemptions or waivers from the FMVSS, FMCSR, or any other regulation and, if the project will require exemptions or waivers, present a plan for obtaining them.
- **Innovative Project Delivery**: The Department will consider the extent to which the project utilizes innovative practices in contracting (such as public-private partnerships and single contractor design-build arrangements), single contractor design-build arrangements, project bundling, [https://www.fhwa.dot.gov/construction/adcms/Advanced Digital Construction Management](https://www.fhwa.dot.gov/construction/adcms/Advanced%20Digital%20Construction%20Management), [Accelerated Bridge Construction](#), [Digital as-builts](#), or an up-to-date programmatic agreement between an environmental resource agency and a state DOT, or other NEPA lead agency, establishing a streamlined process for environmental consultations and permits for commonly encountered project types.
- **Innovative Financing**: The Department will assess the extent to which the project incorporates innovations in transportation funding and finance, for example through private sector funding or financing, using congestion pricing or other demand management strategies to address congestion, securing a TIFIA or RRIF loan, or receiving an allocation for private activity bonds through DOT's Build America Bureau.

iv. Project Readiness

Capital project applications that receive second-tier analysis will be reviewed for Project Readiness and assigned three evaluation ratings:

- Environmental Risk Assessment
- Financial Completeness Assessment
- Technical Capacity Assessment

Planning project applications that receive second-tier analysis will be reviewed for Project Readiness and assigned two evaluation ratings:

- Financial Completeness Assessment
- Technical Capacity Assessment

Low ratings in any of these readiness areas do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies.

Environmental Risk

The Environmental Risk Assessment evaluates information provided in the Project Readiness file. It analyzes the project's environmental approvals and likelihood of the necessary approvals affecting project obligation funds and timely expenditure of funds after obligation. The assessment results in a rating of "high risk," "moderate risk," or "low risk."

Technical Capacity

The Technical Capacity Assessment will assess the applicant's capacity to successfully deliver the project in compliance with applicable Federal requirements as well as the recipient's experience working with Federal funds, civil rights compliance, and previous experience delivering infrastructure projects. This review is partially based on information submitted with the application and partially based on DOT Operating Administration knowledge of the applicant's performance. Technical Capacity ratings will be one of the following: "certain," "somewhat certain," or "uncertain."

DOT will assign the highest rating of "certain," if the application demonstrates that: the applicant has extensive experience with Federal funds; the applicant has extensive experience completing projects with similar scope; the applicant has the resources to deliver the project; and the project will comply with all applicable Federal requirements including, but not limited to, Buy America provisions, ADA regulations, Civil Rights requirements, Federal Motor Vehicle Safety Standards, and/or the Federal Motor Carrier Safety Regulations.

If an applicant is proposing to adopt innovative technology or other innovative practices, DOT will assess whether the applicant's capacity to implement those innovations, the applicant's understanding of applicable Federal requirements and whether the innovations may require extraordinary permitting, approvals, exemptions, waivers, or other procedural actions, and the effects of those innovations on the project delivery timeline.

Financial Completeness

The Financial Completeness Assessment reviews the project budget to confirm the availability of funding for the project and whether the applicant presented a complete funding package based on reasonable cost estimates. Financial Completeness ratings are: "complete," "partially complete," or "incomplete."

DOT will assign the highest rating of “complete,” if the application identifies all funding sources for the project budget, documents all funding is available and committed to the project, includes contingency amount in the project budget and describes a plan to address potential cost overruns, and cost estimates are no more than a year old or include an inflation factor. Planning grants are not required to include a contingency amount but **must discuss a plan to address potential cost overruns.**

Projects with funding estimates that are based on early stages of design (e.g., less than 30 percent design) or outdated cost estimates without specified budget contingencies will receive a lower rating. **All applicants, including those requesting 100 percent grant funding, should describe a plan to address potential cost overruns.**

v. Benefit-Cost Analysis

For capital projects that receive second-tier analysis, the Department will consider the costs and benefits of projects seeking RAISE grant funding in determining whether a project is cost effective. To the extent possible, the Department will rely on quantitative, evidenced-based and data-supported analysis to assess how well a project addresses this criterion, including an assessment of the project’s estimated benefit-cost ratio (BCR) based on the applicant-supplied BCA described in the Benefit-Cost Analysis section.

To evaluate the costs and benefits of a proposed project, the Department will assign the project as either negative net benefits (costs exceed benefits) or positive net benefits (benefits exceed costs). Projects with negative net benefit ratings will not be selected for an award, unless the project demonstrates exceptional benefits for underserved or disadvantaged communities, as identified by the Senior Review Team (see Review and Selection Process section).

2. REVIEW AND SELECTION PROCESS

This section explicitly addresses the BIL requirement to describe the methodology for evaluation in the NOFO. The RAISE grant program review and selection process consists of Merit Criteria Review; Project Readiness Review (consisting of Environmental Risk Assessment, Financial Completeness Assessment, and Technical Capacity Assessment); Benefit-Cost Analysis; and Senior Review. The Secretary makes final project selections.

Teams comprising Department staff review all eligible applications received by the deadline for a Merit Review and assign ratings as described in the Application Review Information section. Using the Merit Review rubric described in the Application Review Information section, the combination of eight merit criteria ratings will result in one overall Merit Rating: Highly Recommended, Recommended, Acceptable, or Unacceptable.

“Highly Recommended” projects automatically advance for second-tier analysis.

The Senior Review Team (SRT) reviews all “Recommended” projects to determine if the benefits of a particular criterion are so significant that the project merits advancing for second-tier analysis. The SRT can advance a “Recommended” project only if:

- The project received a “high” in one or more of the priority criteria of safety, environmental sustainability, mobility and community connectivity, or quality of life, and the benefits in that criterion are exceptional; or
- The SRT provides additional information to demonstrate that a criterion has benefits that are aligned with a “high” rating for one or more of the priority merit criteria listed above (whether or not the Merit Review Team assigned a “high” rating) and the benefits in that criterion would be exceptional.

Senior Operating Administration staff and OST staff may make recommendations to the SRT for which projects should advance based on exceptional benefits of a particular priority criterion.

Applications for the FY 2025 RAISE grant program that have identical project scope to applications that were submitted and evaluated under the FY 2024 Reconnecting Communities Neighborhoods Program competition and received the designation of “Reconnecting Extra,” will automatically advance for second-tier analysis if they receive an overall merit rating of “Recommended” and have at least one “High” rating in a priority criterion.

Second-tier analysis consists of:

- **Capital Projects**
 - Cost-Benefit Analysis
 - Project Readiness: (1) Environmental Risk Assessment; (2) Financial Completeness Assessment; and (3) Technical Capacity Assessment
- **Planning Projects**
 - Project Readiness: (1) Financial Completeness Assessment; and (2) Technical Capacity Assessment

Following completion of second-tier analysis, the SRT determines which projects are designated as Highly Rated.

Using the discretionary authority provided in statute, the Secretary selects projects from the Highly Rated List for award, consistent with the selection criteria and statutory requirements for geographic and modal diversity. The Secretary may, depending on the pool of qualified applications, seek to award at least one project per state or territory.

Projects for which an FY 2025 RAISE application is advanced by the Senior Review Team to the Highly Rated List, but that are not awarded, are automatically designated as “Projects of Merit.” Projects with this designation will be carried over into FY 2026 RAISE and considered by the SRT for advancement to the Highly Rated List, along with other FY 2026 applications eligible for advancement to the Highly Rated List.

Consistent with past practice and statute, the Department offers debriefs to applicants not selected for award to receive information about the RAISE project’s evaluation. Due to overwhelming demand, the Department is unable to provide a RAISE award to every competitive project that applies.

G. AWARD NOTICES

1. HOW PROJECT SELECTIONS ARE ANNOUNCED

The Department emails each successful applicant and posts all selections in Fact Sheets as well as an excel file on the [RAISE website](#).

- Notice of selection is **not** authorization to begin or to incur costs for the proposed project.
- Following that announcement, the RAISE program Office and relevant operating administration will contact the point of contact listed in the SF-424 to initiate development of the grant agreement.

2. ANNOUNCEMENT DATES

- Round 1: The selections of applications, designated as FY 2024 Projects of Merit awarded reserved funding under Round 1 of this NOFO, will be announced by January 13, 2025.
- Round 2: Selections under Round 2 of this NOFO, will be announced no later than June 28, 2025.

3. PRE-AWARD COSTS

Unless authorized by the Department in writing after announcement of FY 2025 RAISE selections, any costs incurred prior to the Department's obligation of funds for a project are ineligible for reimbursement and are ineligible cost share requirements.¹³

- Project costs incurred before project selections are announced cannot be paid for with funds from this competition.
- Funds must be used only for the specific purposes as outlined in the award letter and/or authorized by the Department.

4. REIMBURSABLE PROGRAM

Recipients of RAISE Grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds.

In general, RAISE Program funds are administered on a reimbursement basis. Grant recipients will generally be required to pay project costs upfront using their own funds, and then request reimbursement for those costs.

- RAISE funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted.

¹³ Pre-award costs are costs incurred after award announcement, but directly pursuant to the development of a grant agreement where such costs are necessary for efficient and timely performance of the scope of work, as determined by DOT. Costs incurred under an advance construction (23 U.S.C. 115) authorization before the DOT announces that a project is selected for a FY 2025 RAISE award cannot be charged to FY 2025 RAISE funds. Likewise, costs incurred under an FTA Letter of No Prejudice under Chapter 53 of title 49 U.S.C. before the DOT announces that a project is selected for a FY 2025 RAISE award, cannot be charged to FY 2025 RAISE funds.

- Obligation occurs when a selected applicant and the Department enter into a written grant agreement after the applicant has satisfied applicable local, State and Federal requirements.

If a recipient cannot complete a project on reimbursement basis, DOT will—on a case-by-case basis—consider recipient requests to use alternate payment methods as described in [2 CFR 200.305\(b\)](#), including advance payments.

H. POST-AWARD REQUIREMENTS AND ADMINISTRATION

1. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

i. Administrative Requirements

Please visit the [RAISE website](#) for the General Terms and Conditions for FY 2024 RAISE awards. The FY 2025 RAISE Terms and Conditions will be similar to the FY 2024 RAISE Terms and Conditions, but it will include relevant updates consistent with this notice.

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 C.F.R part 200, as adopted by DOT at 2 C.F.R part 1201. Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, U.S.C., apply to all projects receiving funds under this program, and apply to all parts of the project, whether funded with RAISE Grant funds, other Federal funds, or non-Federal funds.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

Additionally, applicable Federal laws, rules and regulations of the relevant operating administration administering the project will apply to the projects that receive RAISE grant awards, including planning requirements, Service Outcome Agreements, Stakeholder Agreements, Buy America compliance, and other requirements under DOT's other highway, transit, rail, and port grant programs. For projects that are eligible under RAISE but are not eligible under DOT's other programs or projects that are eligible under multiple DOT programs, the RAISE program will determine the appropriate requirements to ensure the project is delivered consistent with program and Department goals. In particular, Executive Order 14005 directs the Executive Branch Departments and agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. RAISE grant projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards and Federal Motor Carriers Safety Regulations, or vehicles that are exempt from Federal Motor

Vehicle Safety Standards or Federal Motor Carrier Safety Regulations in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

For projects administered by FHWA, applicable Federal laws, rules, and regulations set forth in Title 23 U.S.C. and Title 23 C.F.R generally apply, including the 23 U.S.C. 129 restrictions on the use of toll revenues, and Section 4(f) preservation of parklands and historic properties requirements under 23 U.S.C. 138. For an illustrative list of the other applicable laws, rules, regulations, executive orders, polices, guidelines, and requirements as they relate to a RAISE grant project administered by the FHWA, please see the [RAISE website](#).

For RAISE projects administered by the Federal Transit Administration and partially funded with Federal transit assistance, all relevant requirements under chapter 53 of title 49 U.S.C. apply. For transit projects funded exclusively with RAISE grant funds, some requirements of chapter 53 of title 49 U.S.C. and chapter VI of title 49 CFR apply.

For projects administered by the Federal Railroad Administration, all relevant requirements under 49 U.S.C. § 22905 apply.

ii. Program Requirements

Climate Change and Environmental Justice Impact Consideration

Each applicant selected for RAISE grant funding must demonstrate effort to consider climate change and environmental justice impacts as described in the Application Review Information section, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*. In the grant agreement, applicants will be required to memorialize commitments they have made in their applications in one or more of the activities in the Criteria section.

Racial Equity and Barriers to Opportunity

Each applicant selected for RAISE grant funding must demonstrate effort to improve racial equity and reduce barriers to opportunity as described in the Application Review Information section, consistent with Executive Order 14091, *Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. In the grant agreement, applicants will be required to memorialize commitments they have made in their applications in one or more of the activities listed in the Criteria section.

Labor and Workforce

Each applicant selected for RAISE grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of strong labor standards as described in the Application Review Information section, consistent with Executive Order 14025, *Worker Organizing and Empowerment*, and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act*. In the grant agreement, applicants will be required to memorialize commitments they have made in their applications in one or more of the activities listed in the Criteria section.

Critical Infrastructure Security, Cybersecurity, and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including both physical and cyber threats, consistent with the -

National Security Memorandum on Critical Infrastructure Security and Resilience (NSM-22). Each applicant selected for Federal funding under this notice must demonstrate, prior to the signing of the grant agreement, efforts to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department of Homeland Security, will be required to do so before receiving funds.

Domestic Preference Requirements

As expressed in Executive Order 14005, ‘Ensuring the Future Is Made in All of America by All of America’s Workers’ (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to domestic preference requirements based on the Operating Administration that administers the project, including 23 U.S.C. 313 (FHWA projects); 49 U.S.C. 5323(j) (FTA projects); 49 U.S.C. 22905(a) (FRA projects); and section 70914(a) of the Build America, Buy America Act (all projects). The Department expects all applicants to comply without needing a project-specific waiver for domestic preference requirements.

Civil Rights and Title VI

As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR § 21), the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. DOT’s and the applicable Operating Administrations’ Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

Federal Contract Compliance

As a condition of grant award all Federally assisted contractors are required to make good faith efforts to meet the goals of EO 11246, *Equal Employment Opportunity* (30 FR 12319, and as amended). Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The [U.S. Department of Labor’s Office of Federal Contract Compliance Programs](#) (OFCCP) is charged with enforcing Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans’ Readjustment Assistance Act of 1974. OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP’s Mega Construction Project Program from a wide range of Federally assisted projects over which OFCCP has jurisdiction and that have a project cost above

\$35 million. DOT will require project sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award.

Project Signage and Public Acknowledgements

Recipients are encouraged for construction and non-construction projects to post project signage and to include public acknowledgments in published and other collateral materials (e.g., press releases, marketing materials, website, etc.) satisfactory in form and substance to DOT, that identifies the nature of the project and indicates that “the project is funded by the Infrastructure Investment and Jobs Act.” In addition, recipients employing project signage are required to use the official Investing in America emblem in accordance with the [Investing in America Emblem Style Guide](#). Costs associated with signage and public acknowledgments must be reasonable and limited. Signs or public acknowledgments should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or recipient burden. The Recipient is encouraged to use recycled or recovered materials when procuring signs.

2. REPORTING

i. Progress Reporting on Grant Activities

Each applicant selected for RAISE grant funding must submit quarterly progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the RAISE grant program.

ii. Performance Reporting

Each applicant selected for RAISE grant funding must collect and report to the DOT information on the project’s performance based on performance indicators DOT identifies related to program goals (e.g., travel time savings, greenhouse gas emissions, passenger counts, level of service, etc.) and other information as requested by DOT. Performance indicators should include measurable goals or targets that DOT will use internally to determine whether the project meets program goals, and grant funds achieve the intended long-term outcomes of the RAISE Grant Program. To the extent possible, performance indicators used in the reporting should align with the measures included in the application and should relate to at least one of the selection criteria defined in the Criteria section. Performance reporting continues for several years after project construction is completed, and DOT does not provide RAISE grant funding specifically for performance reporting. RAISE grant performance measures are posted on the [RAISE website](#).

iii. Program Evaluation

As a condition of grant award, RAISE grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. The Department may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant

recipients must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and sub-recipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115–435 (2019) urges Federal awarding agencies and Federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency” (codified at 5 U.S.C. § 311). For grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR § 200). Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

iv. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of a selected applicant’s currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the SAM that is made available in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

I. FEDERAL AWARDING AGENCY CONTACT(S)

For further information concerning this notice please contact the RAISE grant program staff via e-mail at RAISEgrants@dot.gov. In addition, DOT will post answers to questions and requests for clarifications on the [RAISE website](#). To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions. DOT staff may also conduct briefings on the RAISE grant selection and award process upon request.

J. OTHER INFORMATION

1. PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) state on the cover of that document that it “Contains Confidential Business Information (CBI);” (2) mark each page that contains confidential information with “CBI;” (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT will follow the procedures described in its FOIA regulations at 49 CFR § 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under § 7.29 will be exempt from disclosure under FOIA.

2. PUBLICATION AND SHARING OF APPLICATION INFORMATION

Following the completion of the selection process and announcement of awards, the Department intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in the Protection of Confidential Business Information section, The Department may make application narratives publicly available or share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program’s objectives.



Pete Buttigieg

Issued in Washington D.C. on November 1, 2024

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - authorizing the submission of an application for a Five Star Wetlands and Urban Water Restoration Grant administered by the National Fish and Wildlife Foundation and funded by the Environmental Protection Agency.

Staff Contact: Jasmine Barbee, Engineering Administrative Assistant

STAFF RECOMMENDATION

City Staff recommends approving resolution R-9-2025.

BUDGET IMPACT

The expenditure is not appropriated in the Fiscal Year 2025 Stormwater Fund and would require a budget amendment.

DISCUSSION

The Five Star and Urban Waters Restoration Grant Program ("Five Star Program") awards grants of \$10,000 to \$40,000 to schools, organizations, corporations, landowners, and local governments to provide environmental education and training through projects that restore wetlands and streams throughout the United States.

Projects include a variety of ecological improvements along with targeted community outreach, education and stewardship. Projects such as community gardens, wildlife and water quality monitoring and green infrastructure best management practices for managing run-off are encouraged. Upon grant approval, the City of Lakeland's Stormwater Program will plan and oversee the project implementation. This is a matching grant at a 1:.75 match rate and application deadline is January 30, 2025.

Maximum grant is \$40,000.00. A seventy five percent (75%) match is \$30,000.00.

RESOLUTION R-9-2025

AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A FIVE STAR
WETLANDS AND URBAN WATERS RESTORATION GRANT ADMINISTERED BY
THE NATIONAL FISH AND WILDLIFE FOUNDATION AND FUNDED BY THE
ENVIRONMENTAL PROTECTION AGENCY

WHEREAS, the Five Star and Urban Waters Restoration Grant Program (“Five Star Program”) awards grants to schools, organizations, corporations, landowners, and local governments to provide environmental education and training through projects that restore wetlands and streams throughout the United States; and,

WHEREAS, projects include a variety of ecological improvements along with targeted community outreach, education and stewardship; and,

WHEREAS, projects such as community gardens, wildlife and water quality monitoring and green infrastructure best management practices for managing run-off are encouraged; and,

WHEREAS, upon grant approval, the City of Lakeland’s Stormwater Program will plan and oversee the project implementation; and,

WHEREAS, the grant requires a 1:.75 match rate with a maximum grant amount of \$40,000.00; and,

WHEREAS, application deadline is January 30, 2025:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland Tennessee, that the City of Lakeland’s Stormwater Program is authorized to apply for a 2025 Five Star Wetlands and Urban Waters Restoration grant.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 16th day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder



NFWF

Five Star and Urban Waters Restoration Grant Program

NFWF CONTACTS

Rachel Dawson

Program Director,
National Programs
202-595-2643
rachel.dawson@nfwf.org

Kaitlyn Hill

Program Manager,
Community Stewardship
202-595-2436
kaitlyn.hill@nfwf.org

Sarah Vest

Coordinator,
Regional Programs
202-888-1657
sarah.vest@nfwf.org

PARTNERS

- USDA Natural Resources Conservation Service
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- FedEx
- Southern Company
- Arconic Foundation

To learn more, go to
www.nfwf.org/fivestar

ABOUT NFWF

Chartered by Congress in 1984, the National Fish and Wildlife Foundation (NFWF) protects and restores the nation's fish, wildlife, plants and habitats. Working with federal, corporate and individual partners, NFWF has funded more than 6,800 organizations and generated a total conservation impact of more than \$10 billion. NFWF is an equal opportunity provider.



Wall building | Credit: Concrete Couch

OVERVIEW

The National Fish and Wildlife Foundation (NFWF) is pleased to announce the 2024 Five Star and Urban Waters grant recipients. Major funding is provided by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Forest Service, U.S. Department of Agriculture, FedEx, Arconic Foundation and Southern Company. This grant program seeks to develop nationwide community stewardship of local natural resources, preserving these resources for future generations and enhancing habitat for local wildlife. Grants seek to address water quality issues in priority watersheds, such as erosion due to unstable streambanks, pollution from stormwater runoff and degraded shorelines caused by development. Forty-three projects totaling \$2.3 million were awarded, leveraging \$6 million in matching contributions from grantees, leading to a total conservation impact of nearly \$8.3 million.

(continued)

ALABAMA**Restoring East Side Park into Accessible Greenspace (AL)**

Grantee: Ruffner Mountain Nature Coalition

Grant Amount:.....\$60,000

Matching Funds:.....\$556,500

Total Project Amount:.....\$616,500

Restore 6.5 acres of East Side Park through stormwater management plans and invasive-species removal to benefit the Village Creek watershed. Project will install bioswales, engage six local partners and 50 volunteers to plant 200 trees, remove invasive vegetation, propagate native plants and install ADA-accessible trails.

ALASKA**Connecting Communities to Watersheds through Monitoring, Restoration, Education and Recreation (AK)**

Grantee: Alaska Geographic Association

Grant Amount:.....\$64,200

Matching Funds:.....\$82,500

Total Project Amount:.....\$146,700

Educate residents in watershed stewardship through hands-on restoration projects, outdoor education and fishing activities, and watershed education resources. Project will engage 700 students and over 100 community volunteers, create four internships and restore riparian habitat through plantings.

ARIZONA**Engaging Youth to Restore Riparian Desert Habitat in the Rio Salado Habitat Restoration Area (AZ)**

Grantee: Arizona Sustainability Alliance

Grant Amount:.....\$49,800

Matching Funds:.....\$55,200

Total Project Amount:.....\$105,000

Restore 50 acres of desert riparian habitat in the Rio Salado Habitat Restoration Area in Phoenix, Arizona, to benefit the desert pupfish and Gila topminnow, and to provide habitat for the southwestern willow flycatcher, Ridgway's rail and western yellow-billed cuckoo. Project will plant 150 native trees and pollinator shrubs for migratory bird habitat and engage high school youth in conservation-focused internships to foster stewardship and workforce skills.

CALIFORNIA**Developing Oyster Habitat Restoration Plans in Indian Basin (CA)**

Grantee: Earth Island Institute/Wild Oyster Project

Grant Amount:.....\$45,000

Matching Funds:.....\$33,700

Total Project Amount:.....\$78,700

Develop restoration plans for native Olympia oyster habitat in the Indian Basin by engaging community members and partners in the San Francisco Bay area. Project will train community members on nature-based strategies for oyster restorations and host volunteer and outreach events to promote stewardship of subtidal habitat and biodiversity

and contribute to climate adaptive responses to sea-level rise along the San Francisco Bay shoreline.

Engaging Youth in Wetland and Coastal Environmental Stewardship and Outdoor Education II (CA)

Grantee: Outdoor Outreach

Grant Amount:.....\$40,600

Matching Funds:.....\$40,500

Total Project Amount:.....\$81,100

Create access points to San Diego Bay and Tijuana River Watersheds for youth from underserved communities through hands-on environmental education and outdoor conversation programs. Project will engage over 1,000 individuals in 12 field-based environmental stewardship and education programs, resulting in the restoration of 100 acres of sensitive wetland and coastal habitats and increased awareness with youth in better understanding the scientific and cultural values of their local watershed.

Installing Debris Capture Devices for Stormwater Runoff in Moreno Valley (CA)

Grantee: City of Moreno Valley

Grant Amount:.....\$60,000

Matching Funds:.....\$340,000

Total Project Amount:.....\$400,000

Install full-capture devices in storm drain catch basins throughout the City of Moreno Valley, California, to trap and remove trash from stormwater runoff at street inlets, preventing it from entering the Santa Ana River and eventually the ocean. Project will use 970 devices to collect, manage, and dispose of roadway trash and debris to preserve the health and welfare of natural resources and communities.



Willow flycatcher

(continued)

Restoring Habitat through Community Engagement and Education in the Los Angeles River Watershed (CA)

Grantee: Friends of the Los Angeles River

Grant Amount:.....\$47,800

Matching Funds:.....\$500,900

Total Project Amount:.....\$548,700

Engage communities in the Los Angeles River Watershed to complete habitat restoration, river cleanups and interactive environmental education for all ages. Project will mobilize 3,000 volunteers to remove invasive vegetation from 3 acres at the Sepulveda Basin Wildlife Reserve and clean 2.9 miles of the LA River and serve 700 local students with place-based environmental education.

COLORADO

Improving and Restoring Lower Shooks Run through Community Engagement (CO)

Grantee: Concrete Couch

Grant Amount:.....\$47,700

Matching Funds:.....\$207,700

Total Project Amount:.....\$255,400

Improve and restore riparian and land habitat in Colorado Springs by engaging local communities with volunteer opportunities and youth education activities. Project will plant 200 trees, restore 2 acres of habitat through the removal of invasive species, and conduct outreach with community members and partners for increased environmental stewardship.

Restoring Mixed-Grass Prairies in the First Creek Floodplain (CO)

Grantee: Friends of the Front Range Wildlife Refuges

Grant Amount:.....\$60,000

Matching Funds:.....\$49,800

Total Project Amount:.....\$109,800

Restore 38 acres of mixed-grass prairie and create a site-scale green infrastructure greenway in the First Creek floodplain to reduce flood damage to local communities and wildlife habitat. Project will engage 175 community members in invasive species removal and seed collection, reduce the amount of sediment entering First Creek, and improve the quality of grazing for bison and habitat for bald eagles.

Restoring Urban Wetland Habitat in Dartmouth Gulch Park (CO)

Grantee: Denver Parks and Recreation

Grant Amount:.....\$60,000

Matching Funds:.....\$60,000

Total Project Amount:.....\$120,000

Restore over 3 acres of degraded urban wetland, riparian and upland habitats in Denver, Colorado, while increasing community access and education resources. Project will plant 40 trees such as willows and cottonwoods and perform habitat restoration through mechanical removal, chemical control, native plantings and seeding.



Community garden planting | Credit: Concrete Couch

CONNECTICUT

Growing Education and Restoration Impact of the New Haven Harbor Urban Wildlife Refuge Partnership (CT)

Grantee: New Haven Ecology Project/Common Ground

Grant Amount:.....\$60,000

Matching Funds:.....\$57,300

Total Project Amount:.....\$117,300

Restore and bring Best Management Practices to 26 acres of schoolyard habitats, urban greenspaces, city parks, riparian zones and urban neighborhoods across the city of New Haven. Project will expand 29 urban oasis sites at schoolyards and greenspaces by removing invasive species and improving habitat along riparian corridors and city parks and increasing the tree canopy in neighborhoods through the engagement of 865 students.

FLORIDA

Restoring Biscayne Bay's Coastal Habitats through Community Education and Engagement (FL)

Grantee: Miami Waterkeeper

Grant Amount:.....\$49,800

Matching Funds:.....\$187,000

Total Project Amount:.....\$236,800

Restore 14 acres of protected coastal hammock, dune and mangrove wetland habitats across five Biscayne Bay coastal parks and endangered habitat areas. Project will remove invasive vegetation and 2,000 pounds of marine debris, plant and maintain native trees and seedlings, and engage 500 volunteers and 440 youth in habitat restoration and debris cleanup events and hands-on youth environmental education activities.

(continued)

GEORGIA**Community-Driven Restoration, Environmental Stewardship and Conservation at Pendleton King Park (GA)**

Grantee: Pendleton King Park

Grant Amount:.....\$54,300

Matching Funds:.....\$40,900

Total Project Amount:.....\$95,200

Restore 15 acres of degraded urban bottomland and wetland plant communities for birds and wildlife at Pendleton King Park by engaging with the local community to remove invasive plant species and integrate native plants, wildlife structures and ADA-accessible infrastructure. Project will engage 65 volunteers from at least five different professional and academic organizations in the area to remediate invasive plants and establish native wildflowers, shrubs and trees.

Restoring Migratory Bird Habitat by Planting Native Flora (GA)

Grantee: Georgia Audubon

Grant Amount:.....\$48,400

Matching Funds:.....\$39,600

Total Project Amount:.....\$88,000

Promote biodiversity and ecosystem resiliency by planting and supporting native flora, removing nonnative invasive species and providing habitat for migratory birds. Project will restore 19 acres of Davidson-Arabia Mountain Nature Preserve at the historic Wilburn Farm, contributing to the larger watershed restoration.

ILLINOIS**Litter Removal and Community Building at Canal Origins Park (IL)**

Grantee: Friends of the Chicago River

Grant Amount:.....\$43,800

Matching Funds:.....\$52,900

Total Project Amount:.....\$96,700

Restore riparian habitat along the Bubbly Creek tributary streambank through community-led litter removal in Canal Origins Park. Project will engage over 240 volunteers, including youth, to remove over 3,600 pounds of litter from 3 acres of park space and 1,000 linear feet of river-edge shoreline, empowering environmental stewardship within the community.

Riparian Restoration and Community Engagement on the South Branch of the Chicago River (IL)

Grantee: Shedd Aquarium Society

Grant Amount:.....\$50,000

Matching Funds:.....\$37,500

Total Project Amount:.....\$87,500

Restore and monitor over 11 acres of the Chicago River watershed in Ping Tom Memorial Park by engaging, educating and training local community members in native riparian planting, turtle, bat and bird habitat installations, litter removal, and scientific monitoring. Project will increase local community members' access and connection to nature,

environmental literacy, and stewardship while improving water quality, habitat quality and ecosystem management for key fish and wildlife species.

INDIANA**Restoring Riparian Habitat Pogue's Run Waterway through Community Stewardship (IN)**

Grantee: Keep Indianapolis Beautiful

Grant Amount:.....\$70,000

Matching Funds:.....\$1,022,200

Total Project Amount:.....\$1,092,200

Restore and enhance 2.6 acres on Pogue's Run waterway in Brookside Park, Indianapolis, through removal of invasive species, litter removal and community engagement. Project will remove invasive species and spread seed to restore riparian habitat, educate 250 community and corporate volunteers and train 10 college students in hands-on environmental work.

LOUISIANA**Fortifying Bayou Bienvenue II (LA)**

Grantee: Common Ground Relief

Grant Amount:.....\$32,200

Matching Funds:.....\$32,700

Total Project Amount:.....\$64,900

Establish 10 acres of marsh habitat and protect 1,500 recently planted trees in Bayou Bienvenue Central Wetland area in southeast Louisiana by planting over 6,000 native grasses. Project will engage 100 students and volunteers in educational and hands-on, site-based restoration activities, fostering environmental awareness and stewardship.



Water monitoring | Credit: Shedd Aquarium Society

(continued)

MARYLAND

Restoring Riparian Habitat through Education and Community Stewardship (MD)

Grantee: NeighborSpace of Baltimore County
Grant Amount:.....\$60,000
Matching Funds:.....\$55,700
Total Project Amount:.....\$115,700
Restore riparian habitat through volunteer activities and community education in Baltimore County. Project will plant 190 native broadleaf tree species, engage 200 volunteers in restoration activities, remove invasive species across 29 acres, and build capacity in local communities to sustainably monitor and steward restoration sites.

MASSACHUSETTS

Improving Food Access through Community-Led Urban Agriculture (MA)

Grantee: GreenRoots
Grant Amount:.....\$60,000
Matching Funds:.....\$175,000
Total Project Amount:.....\$235,000
Expand urban agriculture to benefit food access programming and initiatives in Chelsea, Massachusetts. Project will revitalize and manage six urban growing spaces, engage 2,000 residents in community gardening, urban farming and hydroponic growing, promote climate resilience by creating more greenspace and tree canopy cover, and increase community access to locally grown and culturally relevant produce and greenspace.



Stream cleaning | Credit: NeighborSpace of Baltimore County

Invasive Plant Management in the Charles River Watershed (MA)

Grantee: Charles River Watershed Association
Grant Amount:.....\$59,000
Matching Funds:.....\$110,000
Total Project Amount:.....\$169,000
Restore 1,060 acres of aquatic and forested habitat by removing invasive plant species in the Charles River watershed. Project will engage community members in direct habitat restoration and develop watershed-scale plans and resources for invasive species management.

MICHIGAN

Restoring Forests and Streambanks through Planting Native Species along the Kalamazoo River (MI)

Grantee: City of Battle Creek
Grant Amount:.....\$50,000
Matching Funds:.....\$39,000
Total Project Amount:.....\$89,000
Restore areas adjacent to the Kalamazoo River in Battle Creek, Michigan, disturbed by harvest activity. Project will plant 5,100 trees using an oak-seedling mix and remove 4 acres of interfering and adjacent invasive vegetation with the help of 150 community volunteers.

MINNESOTA

Restoration through Volunteering and Recreation on the Mississippi River (MN)

Grantee: Friends of the Mississippi River
Grant Amount:.....\$49,700
Matching Funds:.....\$132,000
Total Project Amount:.....\$181,700
Enhance upland forest, prairie, wetland, and riverine habitat and water quality through a combination of prescribed burns, woody invasive plant removal, and supplemental seeding to diversify habitat and increase resilience along the Mississippi and Vermillion rivers in the Twin Cities Metro Area. Project will engage schools, community groups and youth to restore 11 acres of land, provide educational and on-water recreational opportunities and enhance community stewardship.

MISSISSIPPI

Establishing Hydric Pine Savanna Habitat and Community Education Trail in Bayou Bernard (MS)

Grantee: Land Trust for the Mississippi Coastal Plain
Grant Amount:.....\$50,000
Matching Funds:.....\$37,400
Total Project Amount:.....\$87,400
Restore over 16 acres of hydric pine savanna and create an educational walking trail with signage to increase wetland habitat and public access of Bayou Bernard in Gulfport, Mississippi. Project will remove invasive species to restore critical coastal habitat and provide hands-on educational experiences to promote local stewardship through field trips and community volunteer workdays.

Establishing Pollinator Gardens to Connect Habitat and Community Stewardship (MS)

Grantee: Mississippi State University

Grant Amount:.....\$60,000

Matching Funds:.....\$45,200

Total Project Amount:.....\$105,200

Construct three pollinator gardens to connect woodland and riparian habitat for native pollinators and provide coastal communities with recreation greenspace in Gulfport, Mississippi. Project will engage community members in native vegetation planting events, litter clean-ups to prevent debris from entering waterways, invasive species removal and regular water monitoring in Coffee Creek to foster environmental stewardship.

Installing an Outdoor Classroom for Pollinator Habitat and Sustainable Stewardship (MS)

Grantee: Jackson Public School District

Grant Amount:.....\$50,000

Matching Funds:.....\$37,500

Total Project Amount:.....\$87,500

Install a garden for pollinator habitat and urban agriculture to serve as an outdoor classroom space that will integrate classroom curricula to enhance environmental education for students and the community in Jackson, Mississippi. Project will create 16 raised garden beds to support pollinator and migratory bird habitats, plant fruit-bearing saplings, and establish a compost area and irrigation system to engage local youth in stewardship and sustainable practices.

MISSOURI

Creating Urban Agricultural Space in St. Louis (MO)

Grantee: New Roots Urban Farm

Grant Amount:.....\$74,900

Matching Funds:.....\$0

Total Project Amount:.....\$74,900

Convert a vacant city lot into an urban agricultural space that will support pollinator habitats, mitigate urban heat islands and manage stormwater runoff in St. Louis, Missouri. Project will restore 2.5 acres, plant 300 trees, install 50 educational signs and engage 1,000 volunteers in restoration activities to promote stewardship and community conservation practices that protect and recover natural resources.

Engaging Communities in Sustainable Urban Agriculture and Green Infrastructure in St. Louis (MO)

Grantee: GRO Health Center

Grant Amount:.....\$74,900

Matching Funds:.....\$0

Total Project Amount:.....\$74,900

Promote sustainable urban agricultural practices and green infrastructure in St. Louis, Missouri. Project will conduct environmental- and biodiversity-community education programs as well as work with local officials to provide financial support for communities to create a more resilient local agricultural landscape.

NEW YORK

Community Stewardship for Reforestation, Stormwater Management and Youth Development (NY)

Grantee: New York Restoration Project

Grant Amount:.....\$60,000

Matching Funds:.....\$139,900

Total Project Amount:.....\$199,900

Restore 2 acres and manage 50 acres of urban forest along the Harlem River by removing invasives, reforesting, creating native understory and installing rain gardens. Project will engage five local partners and 730 volunteers to plant 990 native trees and shrubs, restore 2 acres of native understory and install a half-acre of rain gardens to retain stormwater.

Engaging Communities in Bird Conservation through Habitat Restoration, Monitoring and Recreation (NY)

Grantee: New York City Bird Alliance

Grant Amount:.....\$60,000

Matching Funds:.....\$161,900

Total Project Amount:.....\$221,900

Restore and monitor 3.5 acres of habitat in the Harlem River watershed in the Bronx and conduct community-science collision monitoring to research and remedy hazards for migratory birds. Project will engage 500 adults and students from diverse New York City communities in hands-on stewardship activities to improve wetland and meadow habitat for migratory and nesting birds and support improved stormwater and natural resource management.

OREGON

Improving Riparian and Upland Habitat through Community Engagement (OR)

Grantee: Johnson Creek Watershed Council

Grant Amount:.....\$56,500

Matching Funds:.....\$153,100

Total Project Amount:.....\$209,600

Improve riparian and upland habitat by replacing invasive species with native trees and shrubs in Leach Botanical Garden. Project will restore 3 acres of habitat through the removal of invasives and spot replanting native flora and will engage 160 students and 360 community volunteers.

Restoring Native Trout Habitat on Hunter Creek through Beaver Dam Analogs and Native Plants (OR)

Grantee: Think Wild

Grant Amount:.....\$50,000

Matching Funds:.....\$75,600

Total Project Amount:.....\$125,600

Restore natural stream function and connectivity to promote the success of interior redband trout along Hunter Creek on the Burns Paiute Tribe land near Juntura, Oregon. Project will assess current conditions to prioritize specific locations and vegetation necessary for restoration, install beaver dam analogs, and plant native vegetation to enhance native fish and wildlife habitat and promote beaver re-establishment.

(continued)

PENNSYLVANIA

Developing Conservation Frameworks to Advance Chimney Swift Conservation (PA)

Grantee: Audubon Society of Western Pennsylvania
 Grant Amount:.....\$50,000
 Matching Funds:.....\$38,300
 Total Project Amount:.....\$88,300
 Develop conservation framework and educational materials to inform chimney swift conservation across the eastern United States and southeastern Canada. Project will restore 2.5 acres of habitat through native plantings and construction of two chimney swift towers, educate 490 people and develop a chimney swift conservation framework.

Restoring Public Green Space in Pittsburgh (PA)

Grantee: Allegheny Land Trust
 Grant Amount:.....\$44,600
 Matching Funds:.....\$953,000
 Total Project Amount:.....\$997,600
 Convert 3.7 acres from a vacant lot to a public greenspace with recreational trails and green stormwater infrastructure able to manage 3.25 million gallons of yearly rainfall in Pittsburgh. Project will connect local and regional trails, serve as a space for environmental education programming, and plant 374 trees for habitat restoration and urban heat island respite.

Urban Agriculture and Environmental Education in Allegheny County (PA)

Grantee: Grow Pittsburgh
 Grant Amount:.....\$49,700
 Matching Funds:.....\$50,000
 Total Project Amount:.....\$99,700
 Provide environmental education on urban farms within the Allegheny, Monongahela and Ohio River watersheds, and establish two new community and school gardens in low-income areas. Project will teach regenerative agriculture principles and practices to youth and adults, plant pollinator gardens and restore native pollinator habitat, build healthy soils, conserve stormwater and expand community agriculture to support resilient food systems.

SOUTH CAROLINA

Establishing Riparian Buffers through Student Engagement and Native Plant Propagation (SC)

Grantee: Town of Fort Mill
 Grant Amount:.....\$30,900
 Matching Funds:.....\$23,900
 Total Project Amount:.....\$54,800
 Establish riparian buffers along local creeks featuring native plants to stabilize creek banks and reduce erosion in Fort Mill, South Carolina. Project will engage local high school students to propagate native riparian-zone plants for use in streambank restoration workshops in local public parks and participate in water quality testing before and after the streambank plantings.



Chimney swift

VIRGINIA

Urban Greening and Habitat Restoration to Address Extreme Heat and Stormwater Runoff (VA)

Grantee: Virginia Wesleyan University
 Grant Amount:.....\$60,000
 Matching Funds:.....\$76,000
 Total Project Amount:.....\$136,000
 Reduce stormwater-runoff inputs to local estuaries and mitigate urban heat island effects in southeast Virginia and provide native habitat for local species through plantings. Project will restore urban riparian buffers, plant 350 trees and 250 shrubs in areas of heat stress, plant a pollinator meadow and remove 12 acres of invasive vegetation.

WASHINGTON

Education and Outreach on Wetland Stewardship in Seattle (WA)

Grantee: Delridge Neighborhoods Development Association
 Grant Amount:.....\$44,600
 Matching Funds:.....\$43,800
 Total Project Amount:.....\$88,400
 Increase community education and engagement in the Delridge Wetland Park through restoration activities and workshops on wetland hydrology, human impacts and indigenous stewardship. Project will provide environmental justice internships in the conservation field to local youth from underrepresented communities, install educational signage and engage 120 students in hands-on activities.



Community garden in Milwaukee | Credit: Milwaukee Public Schools

Improving Water Quality for Chinook Salmon in the Puget Sound (WA)

Grantee: Nooksack Salmon Enhancement Association
Grant Amount:.....\$49,000
Matching Funds:.....\$37,600
Total Project Amount:.....\$86,600
Improve urban water quality and habitat conditions for Chinook salmon, bull trout and steelhead on 20 acres in the Puget Sound. Project will host 40 public Stream Steward events, creating action opportunities for 1,500 volunteers of all ages to plant 4,000 trees.

WISCONSIN

Addressing Milwaukee Stormwater Challenges through Greener Schools and Stronger Communities II (WI)

Grantee: Milwaukee Board of School Directors dba Milwaukee Public Schools
Grant Amount:.....\$50,000
Matching Funds:.....\$126,000
Total Project Amount:.....\$176,000
Support the detailed design, permitting and construction of green infrastructure at five urban schools to address Milwaukee’s stormwater challenges. The project will provide education and outreach through partnerships with nonprofit water-focused programming, supporting the creation of outdoor classrooms, enhanced recreational facilities and STEAM curricular connections, as well as plant 225 stormwater trees.

MULTIPLE STATES

Developing Youth Programs to Implement Habitat Restoration in the Blue River Watershed (KS, MO)

Grantee: Heartland Conservation Alliance
Grant Amount:.....\$59,900
Matching Funds:.....\$57,000
Total Project Amount:.....\$116,900
Advance a workforce development training program for underserved youth to provide conservation-based training, mentorship and expertise focusing on regional plans to protect and restore the Blue River watershed. Project will restore 40 acres of habitat and 1.5 miles of riverbank through tree plantings and the removal of invasive species by interns and volunteers gaining experience in environmental stewardship and natural resource management.

Restoring Migratory Bird Habitat through Community Engagement in Albuquerque and Phoenix (AZ, NM)

Grantee: National Audubon Society
Grant Amount:.....\$60,000
Matching Funds:.....\$45,500
Total Project Amount:.....\$105,500
Engage local communities in migratory bird habitat restoration on the Rio Grande in Albuquerque and the Salt River in Phoenix. Project will conduct invasive-plant removal and trash pick-up, install native vegetation, and host volunteer and outreach events to educate urban residents in riparian and migratory bird conservation.



Five Star and Urban Waters Restoration Grant Program

NFWF CONTACTS

Rachel Dawson
Program Director,
National Programs
202-595-2643
rachel.dawson@nfwf.org

Kaitlyn Hill
Program Manager,
Community Stewardship
202-595-2436
kaitlyn.hill@nfwf.org

Sarah Vest
Coordinator,
Regional Programs
202-888-1657
sarah.vest@nfwf.org

PARTNERS

- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- FedEx
- Southern Company

To learn more, go to
www.nfwf.org/fivestar

ABOUT NFWF

Chartered by Congress in 1984, the National Fish and Wildlife Foundation (NFWF) protects and restores the nation's fish, wildlife, plants and habitats. Working with federal, corporate and individual partners, NFWF has funded more than 6,800 organizations and generated a total conservation impact of \$10 billion. NFWF is an equal opportunity provider.

Learn more at www.nfwf.org



Kids learning | Credit: Concrete Couch

BACKGROUND

The Five Star and Urban Waters Restoration Program seeks to develop community capacity to sustain local natural resources for future generations by providing financial assistance to diverse local partnerships for wetland, forest, riparian and coastal habitat restoration, stormwater management, outreach and stewardship with a particular focus on water quality, watersheds and the habitats they support.

PROGRAM OBJECTIVES

The program focuses on the stewardship and restoration of coastal, wetland and riparian ecosystems across the country. Its goal is to meet the conservation needs of important species and habitats, providing measurable and meaningful conservation and educational outcomes.

1. Engage broad coalitions and partnerships for collaborative conservation
2. Increase resources for conservation and community stewardship
3. Support innovative and sustainable community-based solutions
4. Recover and sustain viable and healthy ecosystems including healthy urban rivers and streams
5. Through outreach and education, shape and sustain behavior to achieve conservation goals

(continued)

RESULTS

Since 1999, the Five Star and Urban Waters Restoration Program has supported more than 1,000 projects through more than \$16.6 million in federal funding and \$14 million in private and corporate funding. These grants have leveraged \$96.1 million in matching contributions.

These projects are expected to:

- Engage more than 2.2 million community members across the country in conservation efforts
- Restore approximately 120,000 acres of land and wetlands

PROJECT ELEMENTS

Each Five Star and Urban Waters project incorporates four main elements. These fundamental pieces tie together the cornerstones of sustainable community-based conservation projects.

All projects must have:

- On-the-ground activities such as wetland, river or coastal habitat restoration and/or targeted green infrastructure creation and monitoring
- Community partners united to achieve ecological and educational outcomes
- Integrated education, outreach and training into the restoration project through broad community engagement activities or participation and integration with K-12 environmental curriculum
- Measurable ecological, educational and community benefits

PROJECT SPOTLIGHTS

Restoring Urban Riparian Corridor at the Blue Heron Nature Preserve in Atlanta (GA)

The Blue Heron Nature Preserve (BHNP) restored 1.5 acres of riparian corridor and 500 feet of creek in the Mill Creek Watershed in Atlanta by removing invasive plant species along the creek, supplementing the area with appropriate native plantings, and connecting with two other Five Star restored areas. Mill Creek is part of the Nancy Creek Watershed, identified as a 303(d) impaired stream. This project site has been recognized in the Atlanta Department of Watershed Management's Nancy Creek Watershed Improvement Plan as the top priority because of the project's ability to remove total suspended solids, proximity to 303(d) listed streams, cost benefit, recreation and green space visibility, protection of infrastructure and improvement of safety. BHNP and partners, with funding support from the U.S. Environmental Protection Agency and Southern Company, restored 2,200 contiguous feet of riparian habitat and engaged 135 community volunteers through seasonal plant surveys and regular trash pickups within the Nancy Creek watershed. The installation of new green infrastructure in the form of a dry creek bed trailhead will mitigate urban stormwater runoff and flooding and illustrate how the use of landscaping can improve urban water flow issues.



Water monitoring | Credit: Shedd Aquarium Society

Using Goats in City Parks for Invasive Plant Management and Landscape Restoration (PA)

Pittsburgh Parks Conservancy (PPC), using innovative methods, targeted and removed invasive plants on 3 acres in the woodland of Frick Park as part of an integrated invasive plant management plan. The nonnative species removed at this site included bush honeysuckle, milea minute, multiflora rose, poison ivy, porcelain berry, oriental bittersweet, and garlic mustard. Dense thickets of bush honeysuckle dominated the site, outcompeting desirable native woodland species and creating deep shade that prevented germination of native plants. The project introduced a herd of 10 goats to the restoration site to complete three, month-long periods of browsing. Volunteer park stewards, with direction from PPC's horticulture staff, removed any residual bush honeysuckle and other invasive plants following each period of browsing. In addition, staff and volunteers restored the forest understory through successive plantings of trees, native shrubs, and plants, beginning in spring 2020. PPC and partners provided community members and students with educational programming focusing on the negative impact of invasive species, volunteer training and citizen science monitoring of plants and birds as well as developed and published guidelines to assist city and park managers considering similar programs elsewhere.

Tijeras Creek Watershed Protection through Stewardship Education (NM)

Talking Talons Youth Leadership (TTYL) undertook a project to restore and protect the Tijeras Creek Watershed by providing watershed protection education through classroom sessions, field trips, teacher workshops and stewardship sessions. TTYL and partners, with funding support from the U.S. Forest Service, were able to remove invasive species such as Siberian elm and toadflax on 5 acres, planted 75 trees, and engaged 955 youth, teachers and community members.

Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - authorizing the submission of an application for the Local Parks and Recreation Fund 2025 grant cycle from the Tennessee Department of Environment and Conservation.

Staff Contact: Andrew Fisher, Parks and Recreation Director

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-6-2025.

BUDGET IMPACT

There is no budgetary impact related to this item.

DISCUSSION

The Tennessee Department of Environment and Conservation's Office of Outdoor Recreation (ORec) administers federal and state recreational grant programs to local communities and state parks. The office manages the Local Parks and Recreation Fund (LPRF), the Recreational Trails Program (RTP), the Tennessee Recreation Initiative Program (TRIP), and the Land and Water Conservation Fund (LWCF). These grant programs have a match requirement and specific regulations for the applicants. The LPRF program is a state funded program that provides grants to eligible local government entities for the purchase of lands for parks, natural areas, greenways, and recreation facilities. The funds may also be used for trail development and capital projects in parks, natural areas, and greenways. At least 60 percent of the funds allocated will go to municipal governments as authorized by TCA 67-4-409. All land associated with the funded projects must be owned by a government entity. LPRF grant require an equal match. City staff intends to utilize grant funds to build a pickleball facility.

RESOLUTION R-6-2025

AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR THE LOCAL PARKS
AND RECREATION FUND 2025 GRANT CYCLE FROM THE TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

WHEREAS, the City of Lakeland, Tennessee, (the “City”) desires to build and provide a pickleball facility for its residents; and,

WHEREAS, grant funds to assist with this project are available through the Local Parks and Recreation Fund 2025 grant cycle from the Tennessee Department of Environment and Conservation; and,

WHEREAS, Staff proposes to submit an application for the Local Parks and Recreation Fund 2025 grant cycle from the Tennessee Department of Environment and Conservation to assist with the construction cost of a pickleball facility:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager is hereby authorized to submit an application for the Local Parks and Recreation Fund 2025 grant cycle from the Tennessee Department of Environment and Conservation.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 16TH day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

RESOLUTION R-11-2025

AUTHORIZING THE CITY ATTORNEY TO FILE AND PURSUE CONDEMNATION PROCEEDINGS CONCERNING PARCEL NOS. L0159 00143 AND L0159 00493

- WHEREAS,** pursuant to Tennessee Code Annotated §§ 7-31-107, 7-31-107, Title 29, Chapters 16 and 17, and all other applicable statutes of the State of Tennessee and acts amendatory thereof and supplementary thereto, the City of Lakeland (the “City”) has the power and authority to take and condemn property for public uses, as the Board deems necessary; and
- WHEREAS,** the Lakeland Industrial Development Board (the “IDB”), Lakeland Board of Commissioners (the “Board”), and Shelby County Commission (the “County”) each unanimously approved the Lakeland Gateway TIF District which provides an additional funding mechanism for the acquisition of property and construction of certain public facilities; and
- WHEREAS,** pursuant to Resolution R-60-2023, the Board authorized the City Manager to engage in property acquisition negotiations for parcels within the Lakeland Gateway TIF District; and
- WHEREAS,** pursuant to Resolution R-148-2024, the Board approved the execution of an agreement involving the construction of the Lakeland Community Center; and
- WHEREAS,** parcels of property owned by Vipulkumar Patel (“Subject Properties”) – 0 Huff N Puff, Lakeland, Tennessee 38002, identified as Parcel ID L0159 00143 and 9920 Beverle Riveria Dr., Lakeland, Tennessee 38002, identified as Parcel ID L0159 00493 – collectively have been identified as the best location for the expansion of said Lakeland Community Center; and
- WHEREAS,** the Board determined that the acquisition of the Subject Properties is necessary in order to provide adequate facilities for the City’s growing population and evolving municipal needs; and
- WHEREAS,** the City authorized and received an appraisal report, attached hereto as Exhibit A, of the Subject Properties in the amount of Six Hundred and Ten Thousand Dollars (\$610,000.00) in fee simple; and
- WHEREAS,** the owner of the Subject Properties refused to enter into an agreement in which the City, pursuant to Resolution R-60-2023 and through the City Manager, would acquire the Subject Properties in fee simple; and
- WHEREAS,** a condemnation proceeding will be necessary in order to obtain the Subject Properties in fee simple, owned by Vipulkumar Patel, in order to expand the Lakeland Community Center:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Attorney is authorized to proceed with the initiation, filing, and pursuit of condemnation proceedings in court, to acquire the necessary Subject Properties in fee simple.

RESOLUTION R-11-2025

AUTHORIZING THE CITY ATTORNEY TO FILE AND PURSUE CONDEMNATION
PROCEEDINGS CONCERNING PARCEL NOS. L0159 00143 AND L0159 00493

BE IT FURTHER RESOLVED that the Board of Commissioners authorizes tender to the Clerk of Court, pursuant to exercise of the power of eminent domain and the initiation of condemnation proceedings, of Six Hundred and Ten Thousand Dollars (\$610,000.00), said amount representing the fair market value of the necessary Subject Properties in fee simple for which condemnation proceedings by exercise of the power of eminent domain are hereby authorized.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee this 16th day of January 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

APPRAISAL REPORT

**PROPERTY OF VIPULKUMAR R. PATEL
APPROXIMATELY 1.70 ACRES OF VACANT LAND
9920 BEVERLE RIVERA DRIVE AND 0 HUFF N PUFF ROAD
SHELBY COUNTY TAX ID NOS. L0159 00143 AND L0159 00493
SOUTH SIDE OF BEVERLE RIVERA DRIVE, APPROXIMATELY 1,045' EAST OF CANADA ROAD**

Prepared For

**Mr. Michael Walker, CPA
City Manager
City of Lakeland
10001 Highway 70
Lakeland, TN 38002**

Prepared by

**Eric A. Trotz, MAI, AI-GRS, GAA
Trotz Real Estate Services, Inc.
4709 Spottswood Avenue
Memphis, Tennessee 38117**

Date of Inspection

December 15, 2024

Date of Valuation

December 15, 2024

Date of Report

January 3, 2025

TABLE OF CONTENTS

PART ONE	Introduction	PAGE NO.
	Transmittal Letter	1
	Certification	3
PART TWO	General Information	
	Identification of Type of Appraisal Report	4
	Purpose of the Appraisal	4
	Identity of the Client	4
	Intended User of the Report	4
	Intended Use of the Appraisal	4
	Market Value Definition	5
	Effective Date of the Appraisal Value	5
	Date of the Report	5
	Property Rights Appraised	5
	Extraordinary Assumptions	6
	Hypothetical Conditions	6
	Letter to Owner and Proof of Delivery	6
	Scope of Work	6
	Exposure Time and Marketing Time	7
	Price, Cost and Value	8
	Definitions	8
	Assumptions and Limiting Conditions of the Appraisal	12
PART THREE	Area and Economic Analysis	
	Regional and City Analysis	19
	Neighborhood/Market Area Analysis	33
PART FOUR	General Property Data	
	Identification of the Subject Property	37
	History of the Subject Property	37
	Real Estate Tax Analysis	38
	Site Data and Analysis	39
PART FIVE	Analysis of Data and Conclusions	
	Highest and Best Use Analysis	41
	The Valuation Process	43
	Site Valuation	45
	Final Reconciliation and Market Value Opinion	57

TABLE OF CONTENTS
(Continued)

ADDENDA

Appraiser's Qualifications
Appraiser's License
Letter to the Owner and Proof of Delivery
Photographs of the Subject Property
City/Regional Map Indicating the Location of the Subject Property
List of Memphis Area Major Employers
Memphis Employment by Industry Chart
Cost of Living Index Chart for Memphis
Map – Counties of the Memphis MSA
Area Demographic Information
Neighborhood Map Indicating the Location of the Subject Property
Aerial View of the Subject Property Area – Overall
Aerial View of the Subject Property Area – Detailed
Legal Description
Tax Plat of the Subject Property – Overall
Tax Plat of the Subject Property – Detailed
Photographs of Typical Street Scenes
Current Zoning Map Indicating the Location of the Subject Property
City of Lakeland Future Land Use Plan Map
Flood Map Indicating the Location of the Subject Property
Neighborhood Map Indicating the Location of the Subject Property and
All Comparable Land Sales

PART ONE

INTRODUCTION

January 3, 2025

Mr. Michael Walker, CPA
City Manager
City of Lakeland
10001 Highway 70
Lakeland, TN 38002

Re: Appraisal Report of Property of Vipulkumar R. Patel; Approximately 1.70 Acres of Vacant Land;
9920 Beverle Rivera Drive and O Huff N Puff Road; Shelby County Tax ID Nos. L0159 00143 and
L0159 00493; South Side of Beverle Rivera Drive, Approximately 1,045' East of Canada Road

Dear Mr. Walker:

At your request, I have made the necessary inspection and analysis to appraise the above property. This transmittal letter is not the appraisal report and briefly outlines my findings. The attached report and addenda set forth the data, research, analysis, and conclusions for this appraisal. This report is intended to be read and used as a whole and not in part. Separation of any section or page from the main body of the report, including the transmittal letter, is expressly forbidden and will be considered as invalidating the report.

I have experience in appraising properties similar to the subject, and I have the knowledge to complete the assignment competently. Please see the addenda for a set of my qualifications and a copy of my state license.

I have performed no services, as an appraiser or in any other capacity, regarding the subject property within the three-year period immediately preceding acceptance of this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results. Furthermore, this appraisal is not based on a requested minimum or maximum valuation, or a specific valuation.

The purpose of this appraisal is to develop an opinion of the market value of the fee simple estate of the subject property, in terms equivalent to cash, as of December 15, 2024, which is the date of my property inspection. The intended user of this appraisal is the City of Lakeland and their authorized representatives, and local courts which have jurisdiction over property dispute matters. There are no third-party beneficiaries anticipated by the appraiser, and the use of this report by others is not intended by the appraiser. The intended use of this appraisal is to assist the client with purchasing the subject property and potential court proceedings. It is not intended for any other use, and the appraiser is not responsible for any unauthorized use of this report. Any use of or reliance on the appraisal by any party, regardless of whether such use or reliance is authorized or known by the

appraiser, constitutes acceptance of all appraisal statements, limiting conditions, assumptions, and all other terms and conditions stated in this appraisal report.

To the best of my knowledge, this appraisal conforms to the appraisal guidelines of the *Uniform Standards of Professional Appraisal Practice (USPAP)* and the *Code of Professional Ethics and Standards of Professional Practice* of the Appraisal Institute.

This is an Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2 (a) of the *Uniform Standards of Professional Appraisal Practice (USPAP)*. The depth of discussion contained in this report is specific to the needs of the client and for the intended use as noted herein. This report does not contain all of the data used in the preparation of this appraisal with supporting documentation being retained in the workfile or appraiser's office.

The scope of work is the type and extent of research and analysis in an assignment. It includes the extent to which the property was identified, the extent to which the property was inspected, the type and extent of data researched, and the type and extent of analysis applied to arrive at a credible opinion of value. The scope of work for this assignment is based on the intended use of the appraisal and is identified in the Scope of Work section and in some parts of this report.

Based on the valuation analysis in the attached report, and subject to the definitions, assumptions, and limiting conditions expressed in the report, it is my opinion that the market value of the subject property, in terms equivalent to cash, as of December 15, 2024, is:

SIX HUNDRED AND TEN THOUSAND DOLLARS (\$610,000)

A careful reading of the attached report and addenda, which includes current photographs of the subject property, is urged in order that the data, analyses and assumptions and limiting conditions upon which this opinion of value is based may be understood.

The opportunity of serving you in the course of this assignment is greatly appreciated. If you have any questions about this appraisal, please do not hesitate to contact me at once.

Very truly yours,

TROTZ REAL ESTATE SERVICES, INC.



Eric A. Trotz, MAI, AI-GRS, GAA

Designated Member of the Appraisal Institute

Tennessee State Certified General Real Estate Appraiser - CG-1174

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- I have performed no services, as an appraiser or in any other capacity, regarding the subject property within the three-year period immediately preceding the agreement to perform this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results. Furthermore, this appraisal is not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice (USPAP)*.
- I have made a personal inspection of the property that is the subject of this report.
- My analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the *Code of Professional Ethics and Standards of Professional Practice* of the Appraisal Institute.
- No one provided me with significant real property appraisal assistance regarding this assignment.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I have completed the continuing education program for Designated Members of the Appraisal Institute.



Eric A. Trotz, MAI, AI-GRS, GAA

Designated Member of the Appraisal Institute

Tennessee State Certified General Real Estate Appraiser – CG-1174

PART TWO

GENERAL INFORMATION

IDENTIFICATION OF TYPE OF APPRAISAL REPORT

If written, the reporting of an appraisal falls under one of two categories: an Appraisal Report or a Restricted Appraisal Report. The Appraisal Report presents a summary of information and analyses. The Restricted Appraisal Report is used to present the minimal amount of information.

This report falls under the category of being an Appraisal Report. It is intended to comply with the reporting requirements set forth under Standards Rule 2-2 (a) of the *Uniform Standards of Professional Appraisal Practice (USPAP)*. The depth of discussion contained in this report is specific to the needs of the client and for the intended use as noted herein. This report does not contain all of the data used in the preparation of this appraisal with supporting documentation being retained in the workfile or appraiser's office.

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to develop an opinion of the market value of the fee simple estate of the subject property, in terms equivalent to cash, as of December 15, 2024, which is the date of my property inspection.

IDENTITY OF THE CLIENT

The client of this appraisal is Mr. Michael Walker, CPA, City Manager, City of Lakeland.

INTENDED USER OF REPORT

The intended user of this appraisal is the City of Lakeland and their authorized representatives, and local courts which have jurisdiction over property dispute matters. No other users are intended.

INTENDED USE OF THE APPRAISAL

The intended use of this appraisal is to assist the client with purchasing the subject property and potential court proceedings. It is not intended for any other use, and the appraiser is not responsible for any unauthorized use of this report.

MARKET VALUE DEFINITION

Market value is defined as:

The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.

This appraisal has been prepared according to the above market value definition as per *The Appraisal of Real Estate*, Fifteenth Edition, Appraisal Institute, Chicago, 2020, page 48.

The market value of the subject of this appraisal is in terms equivalent to cash.

EFFECTIVE DATE OF THE APPRAISAL VALUE

The effective date of appraisal value is December 15, 2024.

DATE OF THE REPORT

The date of the report is January 3, 2025.

PROPERTY RIGHTS APPRAISED

The property rights appraised of a property are typically a fee simple estate or leased fee interest. A fee simple estate implies absolute ownership unencumbered by any other interest or estate. This is the most complete form of ownership. However, this type of ownership is not absolute because it is subject to the four powers of government (taxation, eminent domain, public power, and escheat). A leased fee interest is the lessor's or landlord's, interest.

Per the client's instructions, the property rights appraised are the rights that accrue to a fee simple estate.

PROPERTY VALUES

In calculating the market value of the subject property to be acquired, it is intended that neither the property owner should be enriched at the expense of the public nor the public should be enriched at the expense of the property owner. The appraisal is based on this concept.

EXTRAORDINARY ASSUMPTIONS

An extraordinary assumption is an assumption directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis. Any extraordinary assumption may affect the assignment results. Extraordinary assumptions made: None.

HYPOTHETICAL CONDITIONS

A hypothetical condition is that which is contrary to what exists, but is asserted by the appraiser for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. Any hypothetical condition may affect the assignment results. Hypothetical conditions present: None.

LETTER TO OWNER AND PROOF OF DELIVERY

The owner of the subject property was offered the opportunity to accompany the appraiser on an inspection of the subject property. The letter to the owner and proof of delivery may be found in the addenda. The owner did not respond to the appraiser. No information was provided to the appraiser by the property owner.

SCOPE OF WORK

The USPAP Scope of Work rule states that for each appraisal assignment, an appraiser must: 1) identify the problem to be solved; 2) determine and perform the scope of work necessary to develop credible assignment results; and 3) disclose the scope of work in the report. Scope of Work includes, but is not limited to, the following:

- The extent to which the property is identified;
- The extent to which tangible property is inspected;
- The type and extent of data researched; and
- The type and extent of analyses applied to arrive at opinions or conclusions.

The appraiser is responsible for determining the appropriate scope of work in the appraisal assignment. To determine the appropriate scope of work for this assignment, consideration was given to such factors as the intended use of the appraisal, the needs of the user and the complexity of the subject property. The scope of work centers around what is typically

acceptable by the appraiser's peers as well as what is best suited to perform a credible analysis. The major scope of work items that pertain to this assignment, at a minimum, include:

- Identification of the subject property;
- Determined and performed the scope of work necessary to develop credible assignment results;
- Identification of problem to be solved (client and any other intended users, intended use of the appraiser's opinions and conclusions, type and definition of value, effective date of the appraiser's opinions and conclusions, subject of the assignment and its relevant characteristics, and assignment conditions);
- Identification of property characteristics that are relevant to the assignment (e.g., interest valued, physical and legal characteristics);
- Identification of assignment conditions (assumptions, extraordinary assumptions, hypothetical conditions, laws and regulations, jurisdictional exceptions, and other conditions that affect the Scope of Work);
- Determined and applied the solution for the problem to be solved;
- Made a limited personal inspection (USPAP defined) of the subject property on December 15, 2024;
- Researched public records and available market data, and collected factual information about the subject and surrounding market;
- Developed an opinion of the highest and best use of the real estate;
- Researched Chandler Reports, LLC, CoStar and Courthouse Retrieval System for comparable sales data;
- When available, interviewed buyers, sellers and/or real estate agents to gather information on the comparable sales used and to confirm data;
- Reviewed deeds of all sales transactions used in the sales comparison approach;
- A drive-by curbside observation was made of all comparable sales used in the report as well as others that were considered;
- Analyzed market information and considered the use of the three traditional approaches to value (income, sales comparison, cost);
- Application of the necessary approaches to value;
- Reconciliation of data to reach conclusion of market value; and
- Prepared an Appraisal Report in compliance with *USPAP* and the *Code of Professional Ethics* and *Standards of Professional Practice* of the Appraisal Institute.

EXPOSURE TIME AND MARKETING TIME

Exposure time is always presumed to precede the effective date of the appraisal. Exposure time is a retrospective opinion based on an analysis of past events assuming a competitive and open market.

Marketing time occurs after the effective date of the market value opinion. It is an opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value or at a benchmark price during the period immediately after the effective date of an appraisal. The development of a marketing time opinion is not intended to be a prediction of a date of sale. Instead, it is an estimate based on statistical information about days on market, information gathered from data collection services and through sales verification, interviews of market participants, and anticipated changes in market conditions.

Both exposure time and a marketing time opinion assume that an adequate, sufficient, and reasonable effort and a professional marketing plan would have been/will be employed by the property owner.

The estimates of exposure time and marketing time opinion, based on the concluded opinion of market value, are as follows:

Exposure time – 18 to 24 months

Marketing time – 18 to 24 months

PRICE, COST AND VALUE

Price refers to the amount a particular purchaser agrees to pay and a particular seller agrees to accept under the circumstances surrounding their transaction. A price refers to a transaction price and implies an exchange. Price is a fact. The term cost is used by appraisers in relation to production, not exchange. Cost may be either an accomplished fact or an estimate. Cost does not necessarily equal value. Value can have many meanings in real estate appraisal (i.e., market, use, investment, assessed). Since values can change over time, an appraisal reflects value at a particular point in time.

DEFINITIONS

Unless otherwise stated, all definitions in this report are taken from *The Dictionary of Real Estate Appraisal*, Seventh Edition, Appraisal Institute, Chicago, 2022, *The Appraisal of Real Estate*, Fifteenth Edition, Appraisal Institute, Chicago, 2020, or the most recent edition of the *Uniform Standards of Professional Appraisal Practice (USPAP)* published by the Appraisal Foundation.

APPRAISAL: (noun) the act or process of developing an opinion of value; an opinion of value. (adjective) of or pertaining to appraising and related functions such as appraisal practice or appraisal services.

Comment: An appraisal is numerically expressed as a specific amount, as a range of numbers, or as a relationship (e.g., not more than, not less than) to a previous value opinion or numerical benchmark (e.g., assessed value, collateral value).

APPRAISAL PRACTICE: Valuation services performed by an individual acting as an appraiser, including but not limited to appraisal and appraisal review.

Comment: *Appraisal practice* is provided only by appraisers, while *valuation services* are provided by a variety of professionals and others. The terms *appraisal* and *appraisal review* are intentionally generic and are not mutually exclusive. For example, an opinion of value may be required as part of an appraisal review assignment.

APPRAISAL REVIEW: (noun) the act or process of developing an opinion about the quality of another appraiser's work (i.e., a report, part of a report, a workfile, or some combination of these), that was performed as part of an appraisal or appraisal review assignment; (adjective) of or pertaining to an opinion about the quality of another appraiser's work that was performed as part of an appraisal or appraisal review assignment.

APPRAISER: one who is expected to perform valuation services competently and in a manner that is independent, impartial, and objective.

Comment: Such expectation occurs when individuals, either by choice or by requirement placed upon them or upon the service they provide by law, regulation, or agreement with the client or intended users, represent that they comply.

APPRAISER'S PEERS: Other appraisers who have expertise and competency in a similar type of assignment.

ASSIGNMENT: A valuation service that is provided by an appraiser as a consequence of an agreement with a client.

ASSIGNMENT CONDITIONS: Assumptions, extraordinary assumptions, hypothetical conditions, laws and regulations, jurisdictional exceptions, and other conditions that affect the scope of work.

ASSIGNMENT RESULTS: An appraiser's opinions or conclusions, not limited to value, that were developed when performing an appraisal assignment, an appraisal review assignment, or a valuation service other than an appraisal or appraisal review.

Comment: Physical characteristics are not assignment results.

BIAS: A preference or inclination that precludes an appraiser's impartiality, independence, or objectivity in an assignment.

CLIENT: The party or parties who engage, by employment or contract, an appraiser in a specific assignment; Generally, the party or parties ordering the appraisal report. It does not matter who pays for the work.

Comment: The client may be an individual, group, or entity, and may engage and communicate with the appraiser directly or through an agent.

CONFIDENTIAL INFORMATION: Information that is either:

- identified by the client as confidential when providing it to an appraiser and that is not available from any other source; or
- classified as confidential or private by applicable law or regulation.

CONTRIBUTORY VALUE: A type of value that reflects the amount a property or component of a property contributes to the value of another asset or to the property as a whole.

COST: The actual or estimated amount required to create, reproduce, replace, or obtain a property.

CREDIBLE: Worthy of belief.

Comment: Credible assignment results require support, by relevant evidence and logic, to the degree necessary for the intended use.

EASEMENT: The right to use another's land for a stated purpose.

EFFECTIVE DATE: The date to which an appraiser's analyses, opinions, and conclusions apply; also referred to as date of value.

EXPOSURE TIME: An opinion, based on supporting market data, of the length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

EXTRAORDINARY ASSUMPTION: An assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions.

Comment: Uncertain information might include physical, legal, or economic characteristics of the subject property; or conditions external to the property, such as market conditions or trends; or the integrity of data used in an analysis.

FEASIBILITY ANALYSIS: A study of the cost-benefit relationship of an economic endeavor.

FEE SIMPLE ESTATE: Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

HYPOTHETICAL CONDITION: A condition that is presumed to be true when it is known to be false; A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.

Comment: Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.

INTANGIBLE PROPERTY (INTANGIBLE ASSETS): Nonphysical assets, including but not limited to franchises, trademarks, patents, copyrights, goodwill, equities, securities, and contracts as distinguished from physical assets such as facilities and equipment.

INTENDED USE: The use(s) of an appraiser's reported appraisal or appraisal review assignment results, as identified by the appraiser based on communication with the client at the time of the assignment.

INTENDED USER: The client and any other party as identified, by name or type, as users of the appraisal or appraisal review report by the appraiser, based on communication with the client at the time of the assignment.

JURISDICTIONAL EXCEPTION: An assignment condition established by applicable law or regulation, which precludes an appraiser from complying with a part of USPAP.

LEASE: A contract in which the rights to use and occupy land or structures are transferred by the owner to another for a specified period of time in return for a specified rent.

LEASED FEE INTEREST: The ownership interest held by the lessor, which includes the right to the contract rent specified in the lease plus the reversionary right when the lease expires.

MARKET VALUE: A type of value, stated as an opinion, that presumes the transfer of a property (i.e., a right of ownership or a bundle of such rights), as of a certain date, under specific conditions set forth in the value definition that is identified by the appraiser as applicable in an appraisal.

Comment: Appraisers are cautioned to identify the exact definition of market value, and its authority, applicable in each appraisal completed for the purpose of market value.

MASS APPRAISAL: The process of valuing a universe of properties as of a given date using standard methodology, employing common data, and allowing for statistical testing. Mass appraising is often associated with real property tax assessment valuation.

MASS APPRAISAL MODEL: A mathematical model used to develop values for each property within a group or universe of properties.

PERSONAL INSPECTION: (for an appraisal assignment) the appraiser's in-person observation of the subject property performed as part of the scope of work; (for an appraisal review assignment) the reviewer's in-person observation of the subject of the work under review, performed as part of the scope of work.

Comment: An appraiser's personal inspection is typically limited to those things readily observable without the use of special testing or equipment. Appraisals of some type of property, such as gems and jewelry, may require the use of specialized equipment. A personal inspection is not the equivalent of an inspection by an inspection professional (e.g., a structural engineer, home inspector, or art conservator).

PERSONAL PROPERTY: Tangible or intangible objects that are considered personal, as opposed to real property. Examples of tangible personal property include furniture, vehicles, jewelry, collectibles, machinery and equipment, and computer hardware. Examples of intangible personal property include contracts, patents, licenses, computer software, and intellectual property.

PHYSICAL CHARACTERISTICS: Attributes of a property that are observable or measurable as a matter of fact, as distinguished from opinions and conclusions, which are the result of some level of analysis or judgment.

PRICE: The amount asked, offered, or paid for a property.

Comment: Once stated, *price* is a fact, whether it is publicly disclosed or retained in private. Because of the financial capabilities, motivations, or special interests of a given buyer or seller, the price paid for a property may or may not have any relation to the *value* that might be ascribed to that property by others.

REAL ESTATE: An identified parcel or tract of land, including improvements, if any.

REAL PROPERTY: The interests, benefits, and rights inherent in the ownership of real estate.

RELEVANT CHARACTERISTICS: Features that may affect a property's value or marketability such as legal, economic, or physical characteristics.

REPORT: Any communication, written or oral, of an appraisal or appraisal review that is transmitted to the client or a party authorized by the client upon completion of an assignment.

SCOPE OF WORK: The type and extent of research and analyses in an appraisal or appraisal review assignment.

SIGNATURE: Personalized evidence indicating authentication of the work performed by the appraiser and the acceptance of the responsibility for content, analyses, and the conclusions in the report.

VALUATION SERVICE: A service pertaining to an aspect of property value, regardless of the type of service and whether it is performed by appraisers or by others.

VALUE: The monetary relationship between properties and those who buy, sell, or use those properties, expressed as an opinion of the worth of a property at a given time.

Comment: In appraisal practice, value will always be qualified – for example, market value, liquidation value, or investment value.

WORKFILE: documentation necessary to support an appraiser's analyses, opinions, and conclusions.

ASSUMPTIONS AND LIMITING CONDITIONS OF THE APPRAISAL

THIS APPRAISAL IS FOR NO PURPOSE OTHER THAN PROPERTY VALUATION, AND THE APPRAISER IS NEITHER QUALIFIED NOR ATTEMPTING TO GO BEYOND THAT NARROW SCOPE. THE READER SHOULD BE AWARE THAT THERE ARE ALSO INHERENT LIMITATIONS TO THE ACCURACY OF THE INFORMATION AND ANALYSIS CONTAINED IN THIS APPRAISAL. BEFORE MAKING ANY DECISION BASED ON THE INFORMATION AND ANALYSIS CONTAINED IN THIS REPORT, IT IS CRITICALLY IMPORTANT TO READ THIS ENTIRE SECTION TO UNDERSTAND THESE LIMITATIONS.

THIS APPRAISAL REPORT AND ALL OF THE APPRAISER'S WORK IN CONNECTION WITH THE APPRAISAL ASSIGNMENT ARE SUBJECT TO THE FOLLOWING ASSUMPTIONS AND LIMITING CONDITIONS, AND ALL OTHER TERMS STATED IN THE REPORT. ANY USE OF OR RELIANCE ON THIS APPRAISAL BY ANY PARTY, REGARDLESS OF WHETHER SUCH USE OR RELIANCE IS KNOWN OR AUTHORIZED OR INTENDED BY THE

APPRAISER, CONSTITUTES ACKNOWLEDGEMENT AND ACCEPTANCE OF ALL SUCH ASSUMPTIONS AND LIMITING CONDITIONS AND TERMS, INCLUDING:

Standard

It is assumed that the subject property is available for its highest and best use and will be used for its highest and best use unless otherwise stated in this report.

Any legal description furnished to us for purposes of this appraisal is assumed to be correct.

There are no existing judgments or pending or threatened litigation that could affect the value of the property.

No responsibility is assumed for matters of a legal nature, nor do I render any opinions as to title of subject property, which is assumed to be good, marketable and free and clear of all liens, encumbrances, encroachments, easements and restrictions. In the event an abstract or title search of the property was provided, no detailed examination of either was made.

It is assumed that the property is under responsible ownership and competent management.

All engineering studies, if provided, are assumed to be correct. Maps, site plans, sketches, drawings and other such exhibits included in this report might have been provided by others and are included only to assist the reader in visualizing the property and are not necessarily to scale. I assume no liability for their accuracy.

An appraisal is not a survey. No survey of the property has been made by the appraiser, who is not competent to make one, and no responsibility is assumed in connection with such matters. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted within the report. A surveyor should be consulted if there is any concern about boundaries, setbacks, encroachments or other survey matters.

The appraiser is not a contractor and does not have the expertise to fully evaluate the quality of construction of any improvements, workmanship or materials existing or proposed. Unless otherwise stated, any construction type figures or cost to cure items provided are estimates only and not a guarantee.

This appraisal should not be considered a report on the physical items that are a part of this property. Although the appraisal may contain information about the physical items being appraised (including their adequacy and/or condition), it should be clearly understood that this information is only to be used as a general guide for property valuation and not as a complete or detailed physical report.

Unless otherwise stated, my observation as noted in the scope of work included a casual ground level exterior perimeter observation and a walk-through interior observation of readily accessible areas. The subject property was not checked for building code violations. No structural or mechanical inspections were made. Should the client determine that a full inspection is needed, it is recommended that the client retain experts who are qualified to render such property condition opinions.

An appraisal is not a building or improvement inspection. Because no detailed inspection was made, and because such knowledge goes beyond the scope of the appraisal, any observed condition or other comments given in this appraisal report should not be taken as a guarantee a problem does not exist. Specifically, no guarantee is made as to the adequacy or condition of the foundation, roof, exterior walls, interior walls, floors, heating system, air conditioning system, plumbing, electrical service, insulation, or any other detailed construction matters. If any interested party were concerned about the existence, condition, or adequacy of any particular item, it is strongly suggested that a construction expert be hired for a detailed inspection.

No responsibility or liability is assumed for matters of structural, architectural, mechanical or engineering nature, or hidden or unapparent adverse conditions of the property not visible through casual ordinary inspection, nor do I assume responsibility for obtaining any study required to discover any conditions of the property.

Wells and septic systems, if any, are assumed to be in good working condition and of sufficient size and capacity for the stated highest and best use.

The age of any improvements or the reported square footage of improvements or land of the subject property mentioned in this report should be considered a rough estimate. I am not sufficiently skilled in the construction trades to be able to reliably estimate the age of improvements by observation. Square footage often varies among plans, assessor's records, field measurements, data services, etc. The square footage reported is deemed to be accurate but is not guaranteed. Should the client or any reader of the report have any concerns about the reported sizes of the subject land or improvements, it is recommended that an architect or engineer be retained to certify the subject's square footage prior to performing any acts related to this appraisal.

Information obtained from the owner of the subject property, public records, government agencies, real estate agents, property managers, attorneys, accountants, office files, buyers and sellers, etc. was utilized in the preparation of this report. The information obtained from these sources was assumed to be accurate and correct. A reasonable effort has been made to verify all such information; however, no responsibility for its accuracy is assumed by the appraiser or this office.

A distribution of the total valuation in this report between land and improvement applies only under the existing program of utilization.

Values and conclusions for various components of the subject parcel as contained within this report are valid only when making a summation; they are not to be used independently for any purpose and must be considered invalid if so used. The allocation of the total value in this report between land and improvements applies only under the reported highest and best use of the property. The separate valuations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

This report is intended to be read and used as a whole and not in part. Separation of any section or page from the main body of the report is expressly forbidden and will be considered as invalidating the report.

Any projections of future rents, expenses, net operating income, mortgage debt service, capital outlays, cash flow inflation, capitalization rates, and interest rates are intended solely for analytical purposes and are not to be construed as predictions or as representing the thinking of the author of this report or this office. To the extent that they are used in estimating the value of an interest or interests in real property,

they represent only my judgment of the assumptions likely to be used by purchasers and sellers active in the marketplace. I can neither guarantee the accuracy of these assumptions and projections nor accept any responsibility for their accuracy.

It is assumed that the property is in compliance with all applicable federal, state and local laws, ordinances, regulations, building standards, use restrictions, and zoning, unless the lack of compliance has been identified, described and considered in the appraisal report. Information and analysis shown in this report concerning these items are based only on a simple investigation. Any significant question should be addressed to local zoning or land use officials and/or an attorney. Determining and reporting on such compliance were not a part of the scope of work for this assignment.

It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based. Appropriate government officials and/or an attorney should be consulted if an interested party has any questions or concerns about this item since the appraiser has not made a comprehensive examination of laws and regulations affecting the subject property.

Any value estimates provided in the report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value estimate, unless such proration or division of interests has been set forth in the report.

An appraisal is inherently subjective and represents only an opinion as to the value of the property appraised as of the effective date of value. The opinion of value may not be valid in other time periods. It is understood by the client and intended user that the estimated value is subject to change with property and/or market changes over time, and value is highly related to current economic circumstances, physical changes to the property, exposure time, promotional effort, terms, motivation and conditions surrounding the offering.

Environmental

I am not a wetland or environmental expert, and I do not have the expertise necessary to determine the existence of wetlands or environmental hazards such as the presence of urea-formaldehyde foam insulation, toxic waste, asbestos or hazardous building materials, or any other environmental hazards on the subject property or surrounding properties. No chemical or scientific tests were performed by the appraiser on the subject property, and it is assumed that the air, water, ground and general environment associated with the property present no physical or health hazard of any kind. It is further assumed that the lot does not contain any type of dumpsite and that there are no underground tanks (or any underground source) leaking toxic or hazardous chemicals into the ground water or the environment, unless so stated in the report. An expert in the field should be consulted if any interested party were to have questions on environmental factors.

My appraisal assumes that there are no hazardous materials on the property. I am not aware of the existence of potentially hazardous materials on the property, nor am I qualified to detect such substances. The client and intended user(s) are urged to retain an expert in this field, if desired.

Unless otherwise stated in this report, the past or current existence of hazardous materials or environmental contamination on, below or near the subject property which may or may not be present, was not observed or known by the appraiser. The appraiser, however, is not qualified to detect such

substances or to make determinations about their presence. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials or environmental contamination may affect the value of the property. Unless otherwise stated, the value estimate is predicated on the assumption that there is no such material on, below or affecting the property which would cause a loss in value. No responsibility is assumed for such conditions, or for any expertise or engineering assistance required to discover them or the costs involved to remove them.

I am not aware of any soil or subsoil conditions that would affect the property. The discovery of soil conditions is beyond my area of expertise.

It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, described, and considered in the appraisal report. A comprehensive examination of environmental laws and regulations affecting the subject property was not performed for this appraisal.

It is assumed that there are no hidden, unapparent or undisclosed conditions of the land, or of the improvements, that would render the property more or less valuable. Furthermore, it is assumed that there is no asbestos in the property.

Americans With Disabilities Act

The Americans with Disabilities Act ("ADA") became effective January 26, 1992. The appraiser has not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since there was no direct evidence relating to this issue, the appraiser did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

Limited Data

There is a significant possibility that the appraiser does not possess all information relevant to the subject property.

Before relying on any statement made in this appraisal report, interested parties should contact the appraiser for the exact extent of how data was collected on any point that they believe to be important to their decision making. This will enable such interested parties to determine whether they think the extent of the appraiser's data gathering process was adequate for their needs or whether they would like to pursue additional data gathering for a higher level of certainty.

Engineering analyses of the subject property were neither provided for use nor made as a part of the appraisal contract, except as specifically noted in the report. Any representation as to the suitability of the property for uses suggested in this analysis is therefore based only on a rudimentary investigation by the appraiser, and the value conclusions are subject to said limitations.

Appraisal Report Limitations

Appraisal reports are technical documents addressed to the specific technical needs of clients. Casual readers should understand that this report does not contain all the information I have concerning the subject property or the real estate market. While no factors I believe to be significant but unknown to the client have been knowingly withheld, it is always possible that I have information of significance that may be important to others but which, with my limited acquaintance of the property and my limited expertise, does not seem to be important to me.

Appraisal reports made for lenders are technical documents specifically made to lender requirements. Casual readers are cautioned about their limitations and cautioned against possible misinterpretation of the information contained in these reports.

The appraiser should be contacted with any questions before this report is relied on for decision making.

Other

Opinions and estimates expressed herein represent the appraiser's best judgment but should not be construed as advice or recommendations to act. Any actions taken by you, the client, or others should be based on your own judgment, and the decision process should consider many factors other than just the value opinion and information given in this report.

Disclosure of the contents of this appraisal report is governed by the *Standards of Professional Practice* of the Appraisal Institute.

Neither all nor any part of the contents of this report (including any conclusions of value, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or the MAI designation) shall be conveyed to the public through advertising, public relations, news, sales or any other media or public means of communication without the prior consent and approval of the appraiser. This appraisal was prepared at the request of and for the exclusive use of the client to whom the appraisal is addressed. It may not be used or relied upon by any other party. Any party who uses or relies upon any information in this report, without the appraiser's written consent, does so at its own risk. Acceptance of this report constitutes an agreement by the addressee to limit the distribution of this report so as to prevent any other person from contending that this report has damaged them. Receipt of this appraisal report by any party not identified as the client or intended user shall not entitle that recipient to rely on the appraisal for any purpose or to use the appraisal report in any manner other than for the intended use by intended users identified in this report. Furthermore, no third party shall have any right to use or rely upon this appraisal for any purpose.

If this appraisal is found to be defective, it should be returned for correction immediately. Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for other than its intended use. The report may not be used for any purpose by any person or corporation other than the client or the party to whom it is addressed. This report may not be copied without the written consent of an officer of the appraisal firm, Trotz Real Estate Services, Inc., and only then in its entirety.

It is suggested that those who possess this appraisal report should not give copies to others. Certainly, legal advice should be obtained on potential liability issues before this is done. Anyone who gives out an incomplete or altered copy of the appraisal report (including all attachments) does so at their own risk and assumes complete liability for any harm caused by giving out an incomplete or altered copy. Neither

the appraiser nor this company assumes any liability for harm caused by reliance upon an incomplete or altered copy of the appraisal report given out by others. Anyone with a question on whether his or her copy of an appraisal report is incomplete or altered should contact this office.

The appraiser or those assisting in the preparation of this report are not required to give further consultation, to testify or appear in court, or attend any pretrial conference or appearance required by subpoena with reference to the property in question, unless sufficient notice is given to allow adequate preparation and unless arrangements have been previously made for such appearances and preparation necessitated thereby.

It is expressly acknowledged that in any action which may be brought against Trotz Real Estate Services, Inc., the appraiser, its employees or staff (Trotz), arising out of, relating to, or in any way pertaining to this appraisal report, whether by the client or a third party, Trotz shall not be responsible or liable for any special, consequential, punitive, or incidental damages or losses of any kind whatsoever, including without limitation, loss of profits or damages as a result of loss of use of any property, unless the appraisal was fraudulent or prepared with gross and willful negligence. It is further acknowledged that the liability of Trotz or client to one another or to any third party (regardless or whether such party's claimed use or reliance on the appraisal was authorized by appraiser) in any such action shall not exceed \$10,000 unless the appraisal was fraudulent or prepared with gross and willful negligence. Finally, it is acknowledged that the fees charged herein are in reliance upon the foregoing limitations of liability.

Unless the time period is shorter under applicable law, any legal action or claim relating to the appraisal shall be filed in court (or in the applicable arbitration tribunal, if the parties to the dispute have executed an arbitration agreement) within two (2) years from the date of delivery to Client of the appraisal report to which the claims or causes of action relate or, in the case of acts or conduct after delivery of the report, two (2) years from the date of the alleged acts or conduct. The time period stated in this section shall not be extended by any delay in the discovery or accrual of the underlying claims, causes of action or damages. The time period stated in this section shall apply to all non-criminal claims or causes of action of any type.

PART THREE

AREA AND ECONOMIC ANALYSIS

REGIONAL AND CITY ANALYSIS

Shelby County is situated at the southwest corner of the State of Tennessee. The State of Arkansas lies directly across the Mississippi River to the west, and the State of Mississippi borders Shelby County along the south. Shelby County is situated on the east bank of the Mississippi River and is the largest county between St. Louis and New Orleans, serving as the center of commerce for the Mid-South region, a 105-county area in Tennessee, Arkansas and Mississippi. Among other things, Shelby County is known for having very good access to all primary transportation methods and is a major center for distribution. The nine-county Memphis metropolitan area records a total current population of approximately 1,344,000 persons, which ranks the Mid-South area as the 42nd largest in the United States. Most of this population is centered in Shelby County and the City of Memphis. For 150 miles in every direction, Memphis is the largest metropolitan area. Nearby major cities and approximate distances are as follows: Nashville, TN – 200 miles east; Little Rock, AR – 140 miles west; Jackson, TN – 85 miles east; Jackson, MS – 210 miles south; Birmingham, AL – 240 miles southeast; St. Louis, MO – 300 miles north.

The counties in the Memphis Mid-South area are as follows:

County	Area in Square Miles
Shelby, TN	785
Tipton, TN	473
Fayette, TN	706
Crittenden, AR	637
Benton, MS	409
Desoto, MS	497
Tunica, MS	481
Tate, MS	411
Marshall, MS	710

The City of Memphis is the largest city located within Shelby County. According to the United States Census Bureau, the city has a total area of 324 square miles.

A number of incorporated cities and towns within Shelby County surround Memphis. Each has its own unique character and appeal.

- Arlington is a former rural outpost located in the northeast corner of Shelby County. The town is now a rapidly growing bedroom community. According to the United States Census Bureau, the Town has a total area of 20.4 square miles. Arlington Community Schools employs approximately 500 persons in Arlington and is the town's largest employer. MicroPort Orthopedics, Inc. is the town's second largest employer with approximately 460 employees. Stryker Corporation is close behind with approximately 378 employees.
- Bartlett, a family-oriented community located to the northeast of Memphis, boasts that 96% of the town's residents live in single-family dwellings that range from starter homes to luxurious estates. Bartlett is noted for its good schools, numerous churches, shopping centers and library, a performing arts center and a public

recreation center. According to the City of Bartlett, the city limits encompass a total area of 23.42 square miles.

- Collierville has experienced rapid growth recently, but this east Shelby County city still has plenty of small charm. Excellent schools, an historic Old Town Square, antique shops and a performing arts center are just a few of the amenities that attract residents to this southeast Shelby County community. FedEx and Carrier Corporation are among the major employers of Collierville. According to the United States Census Bureau, the town has a total area of 24.6 square miles.
- Germantown, Memphis' premiere executive bedroom community, still bears traces of its origins as a village of white picket-fenced horse farms and narrow, hilly streets. The city features more than 300 acres of parkland, a large recreation center that includes indoor and outdoor swimming facilities, a community theater, chamber orchestra and a state-of-the-art performing arts center. Germantown is also known for its high-end shopping and growing medical community. According to the United States Census Bureau, the city has a total area of 17.6 square miles. Approximately 66% of its residents have a bachelor's degree or higher.
- Lakeland features beautiful lakefront homes and new subdivisions. Residents feel this northeast Shelby County town is an ideal place to raise a family. According to the United States Census Bureau, the city has a total area of 18.0 square miles. Lakeland has had significant population growth since 2000, and was recently named #3 as a Tennessee city for young families.
- Millington, located in northwest Shelby County, is experiencing new commercial growth and investment. Nearby Meeman-Shelby State park is a 12,500-acre, natural wonderland skirting the Mississippi River. Millington was granted the title "Flag City Tennessee" by Tennessee State Legislative. According to the United States Census Bureau, the city has a total area of 15.6 square miles.

A summary of demographic information for Shelby County and the immediate surrounding area is as follows:

Area	Current Population	Population 2010-2020	Population 2020-2024	2024 Median Household Income
Shelby County, TN	915,868	<1.0%	- 1.5%	\$62,780
Memphis, TN	625,463	-2.9%	- 1.6%	\$49,911
Arlington, TN	14,993	27.8%	2.0%	\$119,477
Bartlett, TN	56,443	1.5%	-2.3%	\$102,688
Collierville, TN	50,944	12.5%	- 1.0%	\$136,235
Germantown, TN	40,618	6.4%	-1.7%	\$145,230
Lakeland, TN	14,067	11.9%	1.1%	\$116,962
Millington, TN	10,365	-2.1%	- 2.1%	\$57,413
Tipton County, TN	61,540	- <1.0%	1.0%	\$74,321

Atoka, TN	10,137	19.3%	1.3%	\$97,526
Fayette County, TN	44,425	9.3%	5.8%	\$88,794
Oakland, TN	9,682	34.3%	8.3%	\$92,859
DeSoto County, MS	196,572	14.9%	6.1%	\$83,302
Southaven, MS	57,748	11.6%	5.7%	\$76,931
Olive Branch, MS	49,018	18.7%	5.8%	\$94,530

As indicated above, the population within Shelby County since 2010 has mostly remained the same whereas the City of Memphis' population has declined since 2010. Of the other cities located in Shelby County, all but Bartlett and Millington recorded steady population growth since 2010. While Shelby County has not had any significant growth since 2010, some of the adjoining counties grew much faster with Fayette County and DeSoto County reflecting significant growth having occurred since 2010. Per a recent United States Census Bureau estimation, the Memphis TN-MS-AR Metropolitan statistical population remained mainly flat between 2020 and 2024.

The demographics of other areas of Tennessee may be considered as a basis of comparison to Shelby County. The following chart reflects growth and income for the state and Tennessee's largest cities:

Area	Current Population	Population 2010-2020	Population 2020-2023	2023 Median Household Income
Tennessee	7,204,409	8.9%	4.2%	\$69,015
Nashville-Davidson County Metropolitan	738,084	14.2%	7.1%	\$73,861
Knoxville, TN	197,700	6.6%	3.6%	\$50,037
Chattanooga, TN	188,418	6.2%	4.0%	\$65,172
Clarksville, TN	186,126	25.0%	11.6%	\$65,761
Murfreesboro, TN	172,605	39.8%	12.8%	\$78,626
Franklin, TN	93,011	33.1%	10.9%	\$117,093
Jackson, TN	68,596	1.9%	<1.0%	\$53,344
Johnson City, TN	73,985	12.4%	4.1%	\$57,875

When compared to other areas of Tennessee, overall growth in Shelby County has been relatively slow which appears to be primarily due to the slow rate of growth in Memphis.

The Memphis metropolitan area enjoys a strategic geographical location and is served by two interstate systems, I-55 and I-40, an interstate loop system, I-240, and many numerous highways that converge in the Memphis area. Memphis' central location and year-round good

weather have made the Memphis International Airport an ideal freight and passenger hub. In addition, six Class I railroads serve Memphis. The Port of Memphis, situated along the Mississippi River, connects the city to many inland waterways via the Mississippi River. Known as "America's Distribution Center," Memphis has very good transportation facilities and is the headquarters of FedEx Corporation. The Memphis International Airport, which serves as the primary hub for FedEx shipping, is the world's second busiest cargo airport in terms of cargo tonnage.

As compared to many regions in the United States, the topography of Memphis is relatively flat and many roadways are built in a straight path. Traffic flows have improved recently in the Memphis area due to the upgrading of some portions of I-40 interstate and I-240 circumferential loop. Public transportation for the overall city appears to be average inside the city limits but virtually non-existent in the outer portions of Shelby County and beyond. The lack of public transportation in some areas of Shelby County and beyond does not affect the economic growth of those neighborhoods.

Memphis is the home of three firms in the Fortune 500 and five firms in the Fortune 1000.

Downtown is the original location of the business center of Memphis. As the metropolitan area expanded to the east, Poplar Avenue became the backbone of commercial development in this area, and today a second major center of businesses and offices exists near the intersection of Poplar Avenue and I-240 Interstate. Along with Downtown/Midtown, the Poplar Avenue/I-240 area forms an urban core of business. Beneficial to the eastern portion of this community is the presence of the FedEx World Headquarters and the FedEx Technology Center, both of which have spurred investment along the TN 385 corridor between Southwind and Collierville.

Major employment centers in the Memphis area would include such locations as the downtown business district, the University of Tennessee Medical Center and surrounding medical district, the Memphis International Airport area and adjacent industrial/distribution areas, the East Memphis/Poplar Avenue corridor office areas, numerous regional shopping mall areas, and along several major thoroughfares such as Poplar Avenue, Winchester Road, Union Avenue, Summer Avenue, Germantown Parkway, Stage Road/Highway 64, Lamar Avenue/Highway 78, and major exits along I-240 Interstate.

The Memphis area is home to many industries. Medicine and bio-medical research is a main industry in Memphis. The University of Tennessee Health Science Center is located near the downtown central business district, is part of the statewide, multi-campus University of Tennessee system, and is the home of six colleges including the Colleges of Medicine, Dentistry, Nursing, Pharmacy, Graduate Health Sciences and Allied Health Sciences. Memphis is also home to the world-renowned St. Jude Children's Research Hospital, Le Bonheur Children's Medical Center, Regional One Health and numerous other hospitals and research institutions. Situated in the middle of Memphis, The University of Memphis is a 100+ year-old university offering undergraduate and graduate degrees in all types of disciplines. Current enrollment is approximately 23,000, and the university staffs over 2,500 employees. Other higher educational institutions in the Memphis area include Rhodes College, a small, private, predominately undergraduate liberal arts college, Christian Brothers University, the oldest collegiate degree-

granting institution in the City of Memphis, LeMoyne-Owen College, a four-year, private, historically black college, and numerous community colleges and technical institutes. There are approximately 45 colleges and universities in the Mid-South region. The Mid-South has become one of the gambling centers of the country with numerous casinos operating in Tunica County, Mississippi (approximately 20 miles south of the Tennessee/Mississippi state line) and a casino (Southland Casino) operating in West Memphis, Arkansas. Memphis is situated in the middle of one of the most fertile productive agricultural regions in the country. Primary crops such as cotton, soybeans, corn and feed grains are grown throughout a 100-mile radius in Tennessee, Arkansas, and Mississippi.

Professional sports are present in Memphis and include the Memphis Grizzlies, a National Basketball Association franchise, and the Memphis Redbirds, an AAA baseball minor league franchise of the St. Louis Cardinals. The Grizzlies play at FedEx Forum, and the Redbirds play at AutoZone Park. Both venues are located in Downtown Memphis. Memphis is also home to the Simmons Bank Liberty Stadium, which is also the site of the annual AutoZone Liberty Bowl and is the home field of the University of Memphis football team. Memphis is also the location of an annual professional golf tournament. TPC Southwind boasts a championship golf course which is the PGA TOUR's only private golf club in the State of Tennessee and home to the PGA TOUR's FedEx St. Jude Classic.

The Memphis area is the location of some of the region's most relevant museums and facilities such as the National Civil Rights Museum, the Memphis Zoo and Aquarium, the Brooks Museum of Art, the Pink Palace Museum, the Germantown Performing Arts Center, Children's Museum of Memphis, Stax Museum, Dixon Gallery and Gardens, and Graceland, which was Elvis Presley's estate and is one of the most visited private homes in America with over 600,000 visitors a year.

Memphis is home to Shelby Farms, a 4,500-acre park located along Walnut Grove Road just east of I-240 Interstate. The Shelby Farms Greenline originates in Shelby Farms and provides bike access from East Memphis to Midtown. Currently, there are plans to expand the Greenline to other areas of this community, including the Harahan Bridge, which is a pedestrian/bike path connecting Downtown Memphis to West Memphis, Arkansas. The park is the second largest urban county park in the United States according to the Trust for Public Land. Memphis is also the home of another large urban park, the 342-acre Overton Park, which is located in Midtown at the intersection of Poplar Avenue and East Parkway North.

The cost of living in Memphis is approximately 20% lower than the national average.

CoStar is a leading provider of verified commercial real estate information which assists real estate professionals, appraisers, owners, investors and developers that make strategic decisions to lease, sell, buy and develop commercial properties. The Memphis Area Association of Realtors tracks home sales in the Memphis area each month. The following is a summary of the above reported information.

Retail

The CoStar Retail Report calculates retail statistics using CoStar Group's base of existing, under construction and under renovation Retail buildings in each given metropolitan area. All Retail building types are included, including Community Center, Freestanding Retail, Neighborhood Center, Power Center, Regional Mall, Specialty Center and Unanchored Strip Center, in both single-tenant and multi-tenant buildings, including owner-occupied buildings. All rental rates reported in the CoStar Retail Report are calculated using Triple Net (NNN) rental rates.

Vacancies in Memphis have been lower than the national vacancy rate for almost three years, and at year end 2023 the vacancy rate was 3.5%. Demand in Memphis has been lower than average, with net absorption of just 300,000 SF during 2023. That level is below the 10-year annual average in Memphis. It is likely that absorption would be higher if there were more space available.

Memphis' construction pipeline is consistent with historical norms, with 270,000 SF under construction at year-end 2023. Less than 20% of the retail space under construction is available for lease, so the construction pipeline will not exert much supply-side pressure to vacancies.

Retail rents in Memphis have risen 4.6% over the past year. That level of rent growth is slightly above both the national average and the market's 10-year annual average. Despite the rent growth, rental rates in Memphis are less expensive than the national average. Asking rates in Memphis are \$16.25/SF, compared to the national average of \$25.00/SF.

Sales volume in Memphis during 2023 was below the market's 10-year annual average. Many markets around the country have experienced declining sales volume because of high interest rates and economic uncertainty. Retail properties in Memphis are generally much less expensive than the national average. The average sales price per SF in Memphis, for which CoStar has confirmed the data, is \$125.79/SF, compared to the national average of approximately \$250/SF. Average retail capitalization rates in Memphis, at 6.8%, are higher than the U.S. average. While most properties have a relatively low cost per square foot, some properties, like convenience stores and gas stations, can have much higher prices. In November 2023, a 2018 constructed, 1,500-SF service station in the Cordova Submarket sold for \$1.9 million, or \$1,267/SF.

A summary of retail statistics are as follows:

Period	Average Asking Rental Rate (NNN)	Average Occupancy	Number of Sales	Average Price	Average Price/SF	Average Market Cap Rate
YTD 2023	\$16.25	96.5%	317	\$1,343,040	\$125.79	6.8%
YTD 2022	\$15.54	96.3%	387	\$1,674,560	\$149.42	6.6%
YTD 2021	\$14.32	95.9%	482	\$1,518,132	\$127.26	6.9%
YTD 2020	\$14.02	95.3%	386	\$1,098,236	\$106.39	8.3%

YTD 2019	\$13.82	95.8%	381	\$1,138,733	\$83.64	8.0%
YTD 2018	\$13.38	95.8%	355	\$1,287,036	\$95.67	7.7%

Office

The CoStar Office Report, unless specifically stated otherwise, calculates office statistics using CoStar Group's entire database of existing and under construction office buildings in each metropolitan area. Included are office, office condominium, office loft, office medical, all classes and all sizes, and both multi-tenant and single-tenant buildings, including owner-occupied buildings. All rental rates reported in the CoStar Office Report have been converted to a Full Service equivalent rental rate.

At the end of 2023, the overall market office vacancy rate in Memphis was 10.8%, which is only slightly above the market's 10-year average and is well below the national vacancy rate of 13.7%. About half of the submarkets in Memphis have had positive net demand over the past year, including the Northeast submarket. Submarkets with negative net absorption include Downtown and North. In addition to a lack of net absorption, leasing activity, which is a leading indicator for future absorption, has declined significantly. The 2023 leasing volume in Memphis had its lowest activity in more than a decade.

Developers delivered approximately 100,000 SF of new office space in Memphis during 2023, which is below the market's 10-year historical average. Only 300,000 SF of new office space was under construction in Memphis at the end of 2023.

In recent quarters, net absorption in Memphis has alternated between positive and negative. Many markets around the country have experienced negative net absorption over the past year as companies continue to evaluate their future need for physical office space. While many markets around the country have significant speculative space under construction, 90% of the pipeline in Memphis is preleased, so risks from new supply are smaller than they otherwise might appear. Even though the Memphis area won't face much supply-side pressure in the near term, market fundamentals may become more challenging for landlords because of lower demand.

Office rents in Memphis are much less expensive than in many markets. The average asking rent in Memphis at the end of 2023 was \$20.75/SF, far below the average U.S. rate of \$35.00/SF. Rents have been mostly flat over the past year increasing less than 1.0%. The East Submarket is by far the most expensive in Memphis, with an average asking rate of \$24.70/SF. Even though annual rent growth in Memphis remains slightly positive, because of the multiyear structure of a typical office lease, potential rent hikes are likely to face pushback as tenants reconsider their need for space in the coming quarters. Rents for higher-end 4- & 5-Star properties have increased 0.6% over the past year, while lower priced properties rated 1 & 2 Star have declined, changing -1.5%. Historically, it has been difficult for Memphis office owners to raise rents at an above-average pace for an extended period of time. Rents are only about 26% higher than they were a decade ago. Across the U.S., rents have gone up about 32% during

the same time. The slower growth in Memphis may be in part because of the lack of major corporate relocations and expansions in Memphis.

Sales volume of office buildings in Memphis during 2023 in Memphis was well below the market's 10-year annual average. The lower activity level is consistent with national trends, as sales volume has been low in markets around the country because of high interest rates, hybrid work schedules, and uncertain demand.

The market price in Memphis, which is the estimated unit price of all CoStar confirmed office property sales in the market, fell slightly for six quarters in a row in 2023 to \$108.27/SF. The national office market has experienced steeper declines, but office properties in Memphis still trade at far lower prices than the national average of \$300/SF. Capitalization rates in Memphis are historically a couple of points higher than the U.S. average. The average capitalization rate has risen over the past year, both locally and nationally, and at the end of 2023 was 8.0% in the Memphis market with 4- and 5-star properties having a slightly lower rate and all other property classes having a slightly higher rate.

A summary of detailed 2023 office statistics are as follows:

Class	Average Rental Rate (Gross)	Average Expenses (PSF)	Vacancy Rate	No. of Sales	Average Price	Average Price/SF	Average Market Cap Rate
4 & 5 Star	\$23.74	\$10.50+/-	13.9%	3	\$5,612,500	\$96.36	7.7%
3 Star	\$21.11	\$9.50	10.9%	32	\$1,655,860	\$95.12	8.1%
1 & 2 Star	\$17.85	\$7.00	8.4%	55	\$827,680	\$139.67	8.1%

A summary of overall office market statistics are as follows:

Year	Average Rental Rate (Gross)	Average Expenses (PSF)	Vacancy Rate	No. of Sales	Average Price	Average Price/SF	Average Market Cap Rate
Market-2023	\$20.75	\$9.00+/-	10.8%	90	\$1,295,076	\$108.27	8.0%
Market-2022	\$20.61	\$8.84	10.7%	169	\$1,861,711	\$120.50	7.6%

Industrial

The CoStar Industrial Statistics calculates industrial statistics using CoStar Group's base of existing, under construction and under renovation Industrial buildings in each given metropolitan area. All Industrial building types are included, including warehouse, flex/research & development, distribution, manufacturing, industrial showroom, and service buildings, in both single-tenant and multi-tenant buildings, including owner-occupied buildings. All rental rates reported in the CoStar Industrial Report are calculated using the quoted modified gross rental rate for each property.

Occupancy trends in Memphis are similar to national trends, where vacancy has been on the rise, mostly because of a wave of new supply outpacing demand. At the end of 2023, the overall market industrial vacancy rate was 7.5%. Among Memphis submarkets, vacancies are highest in DeSoto County. Construction starts in the Memphis area declined all four quarters during 2023. With little new product coming on line and absorption expected to be limited, CoStar forecasts that vacancy changes in Memphis will be mostly flat in the medium term. While lower than normal demand has caused vacancies to rise in recent quarters, the fundamentals for Memphis should remain stable in the long run. Furthermore, Ford's new EV manufacturing facility should boost industrial demand over the next several years, as auto-related firms will likely seek space near the plant when it opens in 2025.

Memphis has historically been a very active industrial market, averaging over 7.5 million SF of annual net absorption over the past decade. By contrast, net absorption in the market totaled just -816,000 SF during 2023. Despite this recent slowdown, Memphis retains several important demand drivers including a large blue-collar workforce. Memphis International Airport is the busiest cargo airport in the country, and a series of improvements have strengthened the market's position as a regional distribution hub. The Port of Memphis is one of the country's largest inland ports, and Interstate 269 links southwest Tennessee and north Mississippi to I-55 and I-69. Because of these transportation advantages, companies that are located in Memphis can reach most of the southern and central portions of the country within one day via road or rail. Submarkets on the eastern side of the Memphis market have had the highest demand over the past year. Fayette County has easy access to interstates 40 and 269, while Marshall County, which is located in northern Mississippi, still has tracts of developable land and major highway linkages, including interstates 22 and 269.

The average overall market rent in Memphis is \$5.25/SF, which is less than half of the national average of \$11.90/SF. The market's rent growth of approximately 5.0% during 2023 is still on par with average annual rent growth in Memphis over the past decade.

Like in many markets around the country, sales volume in Memphis has been lower than normal in recent quarters because of higher interest rates. Transaction volume in Memphis totaled only \$372 million during 2023, which is less than half of the market's historical annual average. In addition to lower dollar volume, the number of transactions in Memphis has fallen significantly. The decline in transactions in Memphis is consistent with broader trends, as rising interest rates and economic uncertainty have made investors more cautious. Industrial and flex properties in Memphis are much less expensive than average prices nationally. The average unit sale price of CoStar confirmed industrial sales in the Memphis area during 2023 was \$59.76/SF, compared to the national average of \$151/SF. Historically, market capitalization rates in Memphis have been over 100 basis points higher than the nationwide average. Capitalization rates in Memphis during 2023 rose to an average of 7.2% for all property types.

A summary of industrial statistics are as follows:

Period	Average Rental Rate (MG)	Average Occupancy	Number of Sales	Average Price	Average Price/SF	Average Market Cap Rate
YTD 2023	\$5.25	92.8%	155	\$4,133,074	\$59.76	7.2%
YTD 2022	\$5.02	93.9%	307	\$4,295,519	\$59.96	7.4%
YTD 2021	\$4.43	94.1%	275	\$6,260,131	\$55.20	7.7%
YTD 2020	\$3.98	93.6%	283	\$3,469,262	\$42.47	9.8%
YTD 2019	\$3.85	93.9%	254	\$4,913,800	\$37.13	7.5%
YTD 2018	\$3.72	94.2%	286	\$3,314,434	\$28.08	8.5%

Multifamily

Memphis' current vacancy rate of approximately 14.2% is the highest it has been in over a decade. The main reason for the rise in Memphis vacancies has been the market's negative demand. In addition to the market's negative net absorption, developers delivered 1,200 units during 2023, far above Memphis' 10-year annual average. For vacancy to fall back to historical levels, demand will need to increase significantly in the coming years.

Over the past decade, a large portion of construction activity was focused on adding units to premier suburban submarkets, including East Memphis and Southeast Memphis which received most of the new inventory. However, developers are now taking advantage of local tax incentives to help revitalize the metro's urban core submarkets of Downtown and Midtown Memphis. Downtown Memphis had the most apartments under construction at the end of 2023. In addition to new construction, many more units have been renovated in Memphis over the past several years. There are 3,300 units are under construction in Memphis, which is the most construction in the market in over 20 years.

Average rents in Memphis are \$1,110/month, a significant discount to the national average of \$1,670/month and slightly below the average market rent in Southeastern markets such as New Orleans and Birmingham. Rent growth in Memphis has been mostly flat over the past year, with rents changing 0.4%. Nationally, rents have increased 0.8% over the past 12 months. In Memphis, rents have declined the most at 4- & 5-Star properties, where the change has totaled -0.2% over the past year. Rents have also declined at 3- Star properties, while rent growth has been positive at properties rated 1- & 2- Star. CoStar forecasts that rent growth will remain low in the near term as vacancy rises, but that later in the year, vacancies will begin to fall and rent growth will increase. Collierville and Germantown are the most expensive submarkets in Memphis, with average rents of over \$1,600/month and \$1,400/month, respectively. Rents are lowest in the outlying counties.

Sales volume in Memphis totaled approximately \$190.4 million during 2023, which is less than half of the market's historical annual average. Like in other markets around the U.S., sales have been lower because of high interest rates and economic uncertainty. Historically, out of

state investors purchase assets in Memphis for its relatively high yields and below-average pricing, which offer reassurance against the known risks of this market.

The market price of sold properties in Memphis is approximately \$90,000/unit, compared to the national average of approximately \$230,000/unit. Market prices in Memphis have declined for the past year and a half, although not as steeply as the national market price. The market capitalization rate in Memphis during 2023 was slightly lower as compared to previous years, but it was still more than a full point higher than the U.S. average, or 7.8% during 2023 for all property types.

A summary of detailed 2023 multifamily statistics are as follows:

Class	Average Rent	Vacancy Rate	Number of Sales	Average Price	Average Price/Unit	Average Cap Rate
4 & 5 Star	\$1,453	11.0%	2	\$23,912,152	\$180,469	6.7%
3 Star	\$1,084	13.1%	10	\$9,745,137	\$137,896	7.1%
1 & 2 Star	\$839	17.8%	27	\$1,962,609	\$41,681	8.7%

A summary of overall market multifamily statistics are as follows:

Year	Average Rent	Vacancy Rate	Number of Sales	Average Price	Average Price/Unit	Average Cap Rate
Market-2023	\$1,110	14.1%	39	\$5,440,448	\$66,719	7.8%
Market-2022	\$1,090	12.7%	97	\$8,804,988	\$114,710	6.2%

Housing

In January 2024, the Memphis Area Association of Realtors released its year ending December 2023 Market Report. This report compared area wide housing statistics from year 2022 to year 2023. The information presented reflects MLS and overall Memphis-area total sales YTD 2023 and is summarized as follows:

	2023	2022	Percentage Change
Total Home Sales	15,637	\$19,968	-21.7%
Median Sales Price	\$215,000	\$220,000	-2.3%
Average Sales Price	\$267,502	\$264,761	1.0%
Sales Volume	\$4.15 billion	\$5.22 billion	-20.5%

Inventory at the end of 2023, which includes single family, condo/co-op and duplex, was up 9.7% with 3,218 units listed for sale. The average asking list price of available properties was \$357,276. During 2023, bank sales increased 38.3% to 112 units, and YTD 2023 foreclosure actions were down 11.5% to 383 units. The following sold price groups were present for residential Multiple Listing Service (MLS) sales during 2023: \$0 to \$99,999 – 12.3%, \$100,000 to \$199,999 – 21.7%, \$200,000 to \$299,999 – 23.1%, \$300,000 to \$499,999 29.3%, \$500,000 to \$749,999 – 9.7%, \$750,000 to \$999,999 – 2.2%, \$1,000,000 and over – 1.7%.

Included in the addenda are the following items:

- City/regional map indicating the location of the subject property
- List of Memphis area major employers
- Memphis employment by industry chart
- Cost of living index chart for Memphis
- Map – counties of the Memphis MSA

Lakeland

Lakeland is located between the City of Bartlett and the Town of Arlington, and is also located approximately seven miles northeast of Memphis. Lakeland has a total area of 18.0 square miles, of which 17.6 square miles are land and 0.4 square miles are water. Lakeland is home to a number of existing residential subdivisions and there are also numerous proposed and currently being developed subdivisions in the city as well. Lakeland has easy access to four major travel routes which are Interstate 40 and Highways 64, 70 and 269. It is also located within minutes of Shelby County's largest retail mall, the Wolfchase Galleria Mall.

Long a sleepy country town, Lakeland is now situated near the crossroad of I-40 and I-269, one of the most significant junctions in the corridor formed by the outer interstate grade loop which connects Mississippi and I-55 to the south to Millington and U. S. Highway 51 to the west. The cities of Memphis, Collierville and Southaven are also convenient from Lakeland as a result of I-269.

Lakeland's residents enjoy access to numerous parks which include pavilions, picnic facilities, grills, restrooms, drinking fountains, paved parking, paved jogging trails, and playgrounds.

For many years, Lakeland was a residential bedroom community that had no local property tax and instead relied upon local retail sales taxes to fund its City. However, in 2012 the City of Lakeland imposed a property tax on its citizens and property owners which has continued to this day.

Lakeland is in a growth stage at this time, both residentially and commercially. There has been an approximate 400% increase in single-family permits over the past three years, and there are an additional 895 +/- lots approved that will be developed in the near future. There are several subdivisions currently under development in Lakeland, and local land planners and builders are generally bullish on the future residential growth of Lakeland. However, there is some reservation about the amount of growth that will occur in the near future until interest rates are lower which would spur more home buying activity. Currently, there is a \$300-million development going up in Lakeland which ranks as the second-largest retail and residential project underway in metropolitan Memphis. Plans for the development, The Lake District, shows space for about 800 apartments and homes, retail spaces, a water channel and a pedestrian walkway on the 161-acre site off of Canada Road near Interstate 40; however, it is noted that

this project has suffered from a number of financial problems over its history with some of the development never materializing as anticipated. Another large development, Lakeland Commons, is located at the southwest corner of Highway 70 and Seed Tick Road. This project will include 18,000 square feet of ground floor retail space, 5 +/- commercial outparcels in several available sizes, 150 residential units in Phase I and additional residential in Phase II.

There is currently one elementary school in Lakeland, Lakeland Elementary School, with an enrollment of over 1,000. It recently received the distinction of being named a National Blue Ribbon School. Lakeland Preparatory School currently serves grades 5-11 with a twelfth grade to be added for the 2025-26 school year.

Lakeland is a fifteen-year Tree City USA award designee and strives to balance growth and development with preserving the natural resources that define the landscape for Lakeland residents.

Conclusion:

Situated at the core of a broader, tri-state region known as the “Mid-South”, Memphis is the second-largest metropolitan area in Tennessee, Arkansas, and Mississippi. Led only by Nashville in terms of population, the greater Memphis area is home to more than 1.3 million residents, most of which live east of the Mississippi River, in communities such as Bartlett, Southaven, Collierville, Germantown, and Olive Branch, in addition to the city of Memphis itself.

The trade, transportation, and utilities sector is the largest industry in Memphis, accounting for 31% of employment in the metro area. Nationwide, this sector accounts for only 18.5% of jobs. Due to this high location quotient, demand for logistics space is robust. Despite being the 43rd most popular metro area in the nation, Memphis is home to the 21st largest industrial market in the United States. In fact, Memphis’ industrial footprint is larger than those of markets such as Washington, D.C., Denver, and Miami.

In a significant win for the region’s industrial sector, Ford recently announced that it would build one of the largest electric vehicle manufacturing plants in the nation at the Memphis Regional Megasite, a commercial development site that straddles the intersection of Haywood, Tipton, and Fayette counties. The domestic auto giant is partnering with South Korean battery company SK Innovation to build Blue Oval City, a \$5.6-billion, 3,600-acre campus, which will add nearly 6,000 jobs to the region when it opens in approximately 2026. Construction of this facility continues, with Ford officially breaking ground in 2022. The project is likely to lead to spillover demand for warehousing and distribution space in the area as parts suppliers seek to locate themselves near the new plant to service the facility.

Outside of manufacturing, other industries also stand out in Memphis. Some observers describe the metro as a burgeoning healthcare hub. Sizable expansions from the likes of the University of Tennessee Medical Center (UTMC) and a growing medical device manufacturing sector have raised the profile of this industry regionally. On the logistics side, the presence of FedEx’s global headquarters carries significant weight, making Memphis International Airport

one of the busiest cargo airports in the world. With an estimated \$20 billion annual economic impact, the airport directly and indirectly supports more than 160,000 jobs in the Mid-South region.

The overall Shelby County area has grown since 2000, and many neighboring and competing areas have had a population surge. However, the City of Memphis has had a steady minor population loss during the same period. Despite the population loss, there has been good activity within Memphis for most real estate and business sectors over the past several years. Some of the growth has occurred in and around the downtown central business district and adjacent areas. A significant amount of growth has also occurred in eastern Shelby County, northern Mississippi, and the adjacent Tipton and Fayette Counties. The growth has been widespread among residential, office, retail, and industrial markets. Whereas apartment growth has recently occurred in the downtown area, most of the residential growth continues to occur in suburban locations. Downtown Memphis is also poised for future growth as there are a number of proposed residential, commercial, or mixed-use developments that will likely come to fruition in addition to other commercial growth in several parts of downtown. In addition, the Renasant Convention Center recently opened after a game-changing renovation that is likely to bring thousands of new visitors to Memphis and jump start other development. There are several large downtown projects, The Walk on Union, the Pinch District, and the 100 North Main Street building project, and any of these developments are significant enough on their own to be a game changer for the downtown area and the entire community if fully developed. Per the U.S. Bureau of Labor Statistics, the current unemployment rate is approximately 4.6%.

The medical community in Memphis continues to be a generator to the economy. One major economic catalyst of the entire area is St. Jude Children's Research Hospital. Over the past decade St. Jude has acquired numerous blighted and other properties, demolished the improvements, and created an entirely new and cleaner look for the area. St. Jude has recently completed or is currently constructing several buildings on their campus. St. Jude recently announced plans to facilitate development of the Pinch area into a significant multi-use residential and commercial area. The Memphis area is also home to approximately 47 medical device companies, and has the 2nd largest concentration of orthopedic device firms in the country.

As the largest economic driver in the state, Memphis International Airport alone injects over \$20 billion a year into the region's economy, highlighting the metro's strategic advantage as a transportation hub. Thanks to FedEx, Memphis International Airport is the second-busiest cargo airport in the world. The metro also has an extensive rail network served by five Class I railroads and offers access to I-55 and I-40 interstates, among the busiest trucking corridors in the nation. The recently completed I-22 interstate also provides Shelby County with an additional transportation corridor. In addition, the Port of Memphis is the fifth-largest inland port in the U.S. Unsurprisingly, the transportation sector offers robust employment prospects and is one of the metro's primary demand drivers. The industry is far more concentrated in Memphis than in any other major U.S. metro, directly employing more than one out of four workers. Strong consumer demand, low oil prices, and a shift to online shopping have contributed to logistics success.

A diversified economic base will allow the Memphis area to grow in the future and sustain most negative downturns. It is noted that Memphis has had a long history with poverty issues, and, as a result, strong growth will likely be somewhat muted. The cost of living for the Memphis area is generally less than the national average. This will help attract new businesses into this area that are considering relocating their operations from more expensive locations. It is ultimately concluded that in the near term the Memphis economy will continue to be somewhat slow and that the most likely long-term future of the overall Memphis area includes slow real estate growth, flat to slightly rising property values, and modest overall economic growth. However, Lakeland appears poised to have a different trajectory which includes growth and likely rising property values.

NEIGHBORHOOD/MARKET AREA ANALYSIS

For the purpose of this appraisal, the subject's neighborhood includes its market area as well as a group of complementary land uses. The main criteria that define the subject property's neighborhood includes location, size of area, major thoroughfares, property types, tenant and owner profiles, protection from detrimental uses and ease of access into the subject's location from other areas. Included in the addenda are the following: area demographic information, neighborhood map indicating the location of the subject property, and two aerial views of the subject area – overall and detailed.

Neighborhood characteristics are summarized as follows:

Location: Suburban

Zip Code: 38002

Boundaries:

North – Highway 70

South – Highway 64

East – Chambers Chapel Road

West – Brunswick Road

Major Roads and Thoroughfares:

Primary – Highway 70, Interstate 40, Highway 64

Secondary – Brunswick Road, Canada Road, Chambers Chapel Road

Specific Property Usage:

One family residential –	50%
Multifamily –	5%
Church/school/park –	10%
Office –	5%
Retail –	5%
Light industrial –	5%
Vacant –	15%
Miscellaneous –	5%

Types of Properties in the Immediate and General Vicinity: Small service oriented showroom and warehouse building (Tim Hogan's Carpet & Floors), mostly vacant commercial retail strip shopping center building, vacant tracts of land, The Refuge Church, Super 8 Motel, Waffle House restaurant, convenience stores, Lakeland Fire Station No. 1, small neighborhood State Farm office building, City of Lakeland Park, single family residential housing, miscellaneous.

Demographic Factors:

Subject Zip code population growth 2010-2024 – 14.3%
Subject Zip code median household income 2024 – \$117,197
Zip code to southeast 38028 population growth 2010-2024 – 4.9%
Zip code to southeast 38028 median household income 2024 – \$131,068
Zip code to south 38016 population growth 2010-2024 – 10.4%
Zip code to south 38016 median household income 2024 – \$82,618
Zip code to west 38133 population growth 2010-2024 – 4.8%
Zip code to west 38133 median household income 2024 – \$84,020
Zip code to west 38135 population **decline** 2010-2024 – 5.5%
Zip code to west 38135 median household income 2024 – \$100,076

Included in the addenda is an Executive Summary from ESRI. This information is a summary of the U. S. Census Bureau, Census 2020, in addition to ESRI forecasting for 2024 to 2029. The information presented shows population changes and income levels within a one-mile, two-mile and four-mile radius of the subject property.

Based on all of the above, the demographic information indicates the subject area and surrounding areas are mostly in a growth mode at this time, and the overall median household income is higher than average as compared to the overall community.

Housing:

Predominant price range – \$200,000 to \$1,000,000+
Value trends – increasing
Supply/demand characteristics – in balance

Other:

Land supply/demand characteristics – in balance
Commercial properties – in balance

Additional Information:

Life Cycle State	Growth
Development Activity	Growth
Predominant Quality and Condition of Properties	Average to Good

Predominant Age of Properties	New to 40 Years
General Appearance of Properties	Average to Good
Adequacy of Utilities	Fair to Average
Adequacy of Street Improvements	Average
Typical Rental Rates and Property Values	Average
Convenience to Shopping and Support Services	Fair to Average
Convenience to Schools	Average
Convenience to Parks and Recreational Uses	Average
Convenience to Employment Centers	Average
Employment Stability	Average to Good
Convenience to Public Transportation	Fair
Convenience to Major Thoroughfares	Good
Comparability to Other Neighborhoods	Good
Appeal to Market	Above Average

Conclusion:

The following summarizes the subject neighborhood:

The subject project is located in the City of Lakeland which is a fast-growing community generally situated between Paul Barret Parkway (TN Highway 385) to the north, U. S. Highway 64 to the south, Brunswick Road/City of Bartlett to the west and the Town of Arlington to the east. This suburban city is known for its good aesthetics, protection from detrimental influences, good quality housing at a reasonable price, good schools, and a relaxed way of life due to its location away from the much larger City of Memphis. Lakeland is not currently known as a shopping destination but that could change soon upon the completion of the Lake District and Lakeland Commons.

Lakeland has two public schools which are considered good by most market participants, Lakeland Elementary School which serves grades K-4, and Lakeland Preparatory School which serves grades 5-11, with a 12th grade being added for the 2025-26 school year. Lakeland is one of only 16 school districts currently designated as "Exemplary" by the Tennessee Department of Education.

This neighborhood is in a growth state at this time and there are numerous subdivisions with new houses currently under construction and some that are proposed to be developed as well.

Part of the expected growth in Lakeland is likely due to the Ford Blue Oval City project that will employ thousands of people and create both residential and commercial demand, considering that Lakeland is located less than 30 miles away to the west.

The subject area median household income is considerably higher than the overall community as a whole, and the good economic statistics of the subject area reflect higher incomes as well. Real estate values in this neighborhood have risen lately and builders and developers are overall very bullish on Lakeland.

It is ultimately concluded that Lakeland is a city on the rise, has a good economy, and families are attracted to the city due to good schools and reasonable priced housing. Based on Lakeland developing a high school of its own in the near future, and considering many builders' interest in constructing new housing in Lakeland, the subject area appears to be headed for additional growth for at least the foreseeable future.

PART FOUR

GENERAL PROPERTY DATA

IDENTIFICATION OF THE SUBJECT PROPERTY

Tax Parcel Identification Number: Ward L1 - Block 59 - Parcel - 143 and 493

Address: 9920 Beverle Rivera Drive (Parcel 493) and 0 Huff N Puff Road (Parcel 143)

Location: South side of Beverle Riveria Drive, approximately 1,045' east of Canada Road

Property Type: Approximately 1.70 acres of vacant land.

Included in the addenda is a legal description of the subject property. It is recommended that the user of this appraisal consult an attorney or engineer, or both, about the accuracy of the legal description provided.

HISTORY OF THE SUBJECT PROPERTY

USPAP requires an appraiser, if such information is available to the appraiser in the normal course of business, to analyze all agreements of sale, options and listings of the subject property current as of the effective date of the appraisal, and analyze all sales and other transfers of the subject property that occurred within three years prior to the effective date of the appraisal. The client did not provide a title search to the appraiser. Public records were researched regarding the sale or transfer history of the subject property for a minimum of the three-year period prior to the effective date of this appraisal. A title search was not performed by the appraiser; however, based on a limited review of public records, it appears that the subject property is owned by Vipulkumar R. Patel. The following information was gathered from the property inspection and/or an interview with the client. To the best of the appraiser's knowledge, a summary of pertinent information is as follows:

Current Use – Vacant land.

Current Tenants – None.

Current Listings – The subject property does not appear to be formally listed for sale; however, as part of responding to the City of Lakeland's recent offers to purchase, the property owner was originally asking \$1,110,780 and in November 2024 the asking price was reduced to \$951,350.

Past Listings – There do not appear to have been any recent past listings of the subject property.

Current Offers – The client made a recent offer of \$525,000 on the subject property. In November 2024, the City of Lakeland increased the offer to \$550,000.

Pending Contracts – Unknown.

Sales History – Based on a review of public records, it appears as if Parcel L1-59-143 was acquired for \$275,000 on April 11, 2019, per Warranty Deed Instrument No. 19035913 as recorded in the Shelby County Register's Office. This equates to \$5.05 per square foot of land area. Based on a review of public records, it appears as if Parcel L1-59-493 was acquired for \$100,000 on April 11, 2019, per Warranty Deed Instrument No. 19036535 as recorded in the Shelby County Register's Office. This equates to \$5.10 per square foot of land area. The grantor in deed 19035913 was Mahesh Bakshi and Puneet Bakshi, and the grantor in deed 19036535 was Mahesh Bakshi and wife, Renu Bakshi. No details are known about either transaction.

REAL ESTATE TAX ANALYSIS

Market value for assessment purposes is generally determined through the application of mass appraisal techniques. Mass appraisal is the process of valuing a group of properties as of a given date using common data, standardized methods, and statistical testing. Typically, a mass appraised value considers a property's use (such as home, business, vacant land, etc.), a property's characteristics (location, size, age, quality, condition and amenities), a property's net earning power, and current market conditions.

Real estate tax assessments are administered by the Shelby County Assessor of Property. Tax records reflect mass appraised and assessed values for the subject property for the following years:

Tax Year	Appraised Value	Assessed Value
2024	\$326,200	\$117,385
2023	\$326,200	\$117,385
2022	\$326,200	\$117,385
2021	\$326,200	\$117,385
2020	\$221,100	\$83,940

The land portion of the Shelby County Assessor mass appraisal has a current value of \$326,200 which equates to \$4.41 per square foot.

Current tax structures for properties located within Shelby County are as follows:

Shelby County - \$3.39 per \$100 assessed value
Arlington - \$1.28 per \$100 assessed value
Bartlett - \$1.73 per \$100 assessed value
Collierville - \$1.84 per \$100 assessed value
Germantown - \$1.8382 per \$100 assessed value
Lakeland - \$1.19 per \$100 assessed value
Memphis - \$2.70164 per \$100 assessed value
Millington - \$1.40 per \$100 assessed value

Conclusion:

Based on the concluded market value developed in this appraisal, the mass appraised value of the subject property is low, and an appeal of the assessed value would not appear to be warranted.

SITE DATA AND ANALYSIS

The characteristics of the site are summarized as follows:

Size	Approximately 1.70 acres or 74,052 square feet of land area. The subject property consists of two tax parcels, L0159 00143 and L0159 00493. Parcel 143 consists of a vacant tract of land containing 1.25 acres or 54,450 square feet of land area. Parcel 493 consists of a vacant tract of land containing 0.45 acres or 19,602 square feet of land area.
Street Frontage	Approximately 260' along the south side of Beverle Rivera Drive and approximately 175' along the north side of Huff N Puff Road.
Street Characteristics	Number of travel lanes – 2; Condition – Average; Poured concrete curbs – Yes; Poured concrete gutters – Yes; Sidewalks – No; Streetlights – No.
Shape	Irregular
Corner	No
Topography	Level at street grade with some slightly rolling land and a slight slope down from west to east. There are a few low spots at the subject property which do not appear to have a significant impact on the value.
Drainage	Appears adequate
Access	Good
Visibility	Good
Availability of Utilities	All public utilities are present and are adequate.
Soil and Subsoil Conditions	The appraiser was not furnished with a soil analysis; however, no known soil or subsoil conditions exist that would affect development of the subject property.
Environmental Hazards Present	All former uses of the subject property and surrounding uses are unknown, and environmental evaluation is beyond the appraiser's scope of expertise. However, it is assumed that the subject is not adversely affected by environmental hazards. A qualified engineer should be consulted on this matter, and an environmental study is strongly recommended due to the appraiser's lack of knowledge in this field.
Nuisances, Hazards, or Detrimental Influences	No known nuisances or hazards. There do not appear to be any detrimental influences surrounding the subject property.
Zoning Designation	The subject property is governed by City of Lakeland Land Development Regulations, Article III – Zoning Regulations. The subject is situated in the C-2, Regional Commercial District zoning category. The Regional Commercial District is a large-scale commercial district designed to serve the greater community and adjacent communities. Of the three (3) commercial districts, it allows the widest range of Uses. The Mixed Use, Cottage Commercial, Commercial, and Civic Building Types may be

Zoning Designation (cont.)	developed in this district. This district shall be served by all municipal services (public water and sewer). The subject appears to conform to the current zoning ordinance.
Potential for Zoning Changes	Assumed not likely.
Flood Zone Information	As per FEMA Flood Insurance Rate Map No. 47157C0330G, dated 2/6/13, the subject property does not appear to be situated in a flood hazard area. This is a flood hazard area determination only and not a certification.
Easements and Restrictions	A current "as built" survey was not provided to the appraiser. Therefore, there are no easements or restrictions known to exist that would affect the subject property. It is recommended that the client obtain a current survey.
On-Site Improvements Present	None
Surrounding Property Uses	N - City of Lakeland Public Park S - Small masonry retail sales building and warehouse (Tim Hogan's Carpet and Floors) E - Vacant land W - Vacant land (former motel property recently demolished)
Functional Utility of Site	Average

Included in the addenda are the following items:

- Tax plat of the subject property – overall
- Tax plat of the subject property – detailed
- Photographs of typical street scenes
- Current zoning map indicating the location of the subject property
- City of Lakeland Future Land Use Plan Map
- Flood map indicating the location of the subject property

Conclusion:

The shape of the subject property is irregular which would be a negative attribute as compared to other superior shaped commercial sites that have the highest market demand. Most other factors of the site are positive attributes. Therefore, it is concluded that the subject site is suited to meet the demands for a tract of land in this neighborhood to serve most but not all of the typical market participants.

PART FIVE

ANALYSIS OF DATA AND CONCLUSIONS

HIGHEST AND BEST USE ANALYSIS

Highest and best use is defined as:

“The reasonably probable use of property that results in the highest value. The four criteria that the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.”

The highest and best use analysis is viewed from the following two perspectives: 1) The use of a property based on the assumption that the parcel of land is vacant or can be made vacant by demolishing any improvements; and, 2) the use that should be made of a property as it exists (i.e., considering the current improvements).

To estimate the highest and best use, four elements are considered:

1. Legal permissibility – What uses of the site are permitted by zoning codes, land use plans, easements and private deed restrictions?
2. Physical possibility – What uses of the site are physically possible with regard to size, shape, terrain and accessibility?
3. Financial feasibility – Which legal and physically possible uses will produce a positive net return to the owner of the site or positive functional utility for owner occupancy?
4. Maximum productivity – Among the feasible uses, which use will produce the highest net return to the subject property or the highest present worth?

To answer the question of highest and best use, the following is considered. Many uses may be legally permissible, but only some of those will be physically possible. And of those, only some will be financially feasible. The question ultimately becomes, which of those uses (legally permissible, physically possible, financially feasible) will be maximally productive by bringing the highest economic return to the owner of the rights to the land?

For an improved property, a highest and best use analysis typically involves selecting and supporting the highest and best use for the property as if vacant and as improved. For a vacant property, the highest and best use as improved would not be applicable.

Considering the attributes of the subject property, which include the type of property, location, zoning and most probable use, it was determined a full-scale highest and best use analysis was not necessary in order to develop a credible opinion of value.

Highest and Best Use as if Vacant

The highest and best use analysis of land as though vacant focuses on alternative uses by testing each reasonably probable use for legal permissibility, physical possibility, financial feasibility, and maximum productivity. In the analysis of highest and best use of land as though vacant, the process involves seeking answers to the following questions: Should the land be developed or left vacant? If left vacant, when would future development be financially feasible? If developed, what kind of improvements should be built?

Legally Permissible – The current zoning in place is C-2, Regional Commercial District. Considering current zoning, potential zoning and prevailing land use patterns in the area, consideration is given to the following uses in determining highest and best use of the site, as if vacant: commercial.

Physically Possible – Based on the physical characteristics of the subject property land, the subject site would be conducive for development at the current time.

Financially Feasible – Consideration of financial feasibility should include the reasonably probable and market demanded use for property, not the speculative use for property. For a use to be financially feasible, the market must appreciate it to the extent that the use has value commensurate with at least its cost. The uses that are legally permissible and physically possible are given further consideration. It is noted that within approximately 115' of the subject property, or across the street on Huff N Puff Road, there is a small strip retail center building that was constructed in 2004; however, the only tenant operating at that location is Lakeland Health and Fitness who occupies approximately one-third of the total space. Another one-third of the building is occupied for storage and the remaining one-third of the building is vacant. This indicates low demand for a commercial building at this location at the current time. Another indication of financial feasibility would be the recent announcement by the City of Lakeland's plans to go into partnership with the YMCA to own a building that the YMCA will operate. This building is scheduled to be developed on the former Econo Lodge site which is located immediately to the west of the subject property. The more than \$21 million institutional type development is expected to open in 2027. Based on supply and demand factors, and considering the current economic conditions present at the subject location, development at the subject property would not have a value commensurate with at least its cost at the current time. This determination is based mainly on the size of the subject property which would accommodate a commercial use but not a large scale institutional use.

Maximum Productivity – The maximally productive use is the physically possible, legally permissible and financially feasible use that results in the greatest net return or highest present value, assuming risks associated with different uses are approximately equal. The maximally productive use is stated below, which is also the subject's highest and best use as if vacant.

Highest and Best Use as if Vacant – Remain vacant until the proposed YMCA building next door is developed, and consider developing the subject property at that time. The ultimate development of the subject property would likely exclude an intensive commercial use considering the site has a secondary location on a minor commercial street.

Highest and Best Use as Improved

The highest and best use analysis of property as improved focuses on the four tests while also considering the following three possible actions related to the current improvements: 1) Retain the improvements; 2) Modify the improvements in some way, such as conversion, renovation, or alteration; or 3) Demolish the improvements and redevelop the land. Additionally, if renovation or redevelopment is warranted, further consideration is given to when the new improvements should be built.

Since there are no improvements present, the highest and best use analysis as improved would not be warranted.

THE VALUATION PROCESS

In summary, an appraisal is an economic theory used to form a conclusion about value. The valuation process assumes that a property is currently being used, or can be made readily available, to its highest and best use. The valuation process involves the following seven steps:

1. **Definition of the Problem** - Identification of the real estate; identification of property rights to be valued; date of value estimate, use of the appraisal; definition of value; other limiting conditions.
2. **Preliminary Analysis and Data Selection and Collection** - Collection of general data such as social, economic, government, and environmental; collection of specific data on items such as the site and improvements, sales, building costs, depreciation, income and expenses and capitalization rates.
3. **Highest and Best Use Analysis** - Highest and best use of the land as though vacant; highest and best use of the property as improved.
4. **Land Value Estimate** - Valuation of the site from comparable land sales.
5. **Application of the Three Approaches** - Use of the cost approach; use of the sales comparison approach; use of the income capitalization approach.
6. **Reconciliation of Value Indications and Final Value Estimate** - Compare the three approaches and select value based on strengths and weaknesses of each approach.
7. **Report of Defined Value** - Provide report with explanation of supporting data.

The three traditional approaches to a value estimate in appraising real property are as follows:

- Cost approach
- Sales comparison approach
- Income capitalization approach

The cost approach estimates the cost to construct the existing or proposed structure, and then deducts all depreciation present in the property from the cost of the existing or new structure as of the effective date of appraisal. The depreciated value of the site improvements along with the site value are added to this figure, and the result is the indication of value by the cost approach. The cost approach assumes that an informed purchaser would pay no more than the cost of producing a substitute property with the same utility. The cost approach is generally most applicable in valuing relatively new construction and when no functional or external obsolescence is evident and the site value is well supported. This approach is also used when the subject property has unique or specialized improvements for which there is little or no sales/rental data from comparable properties. The cost approach is weakened when determining the value of an older property with significant depreciation present.

The sales comparison approach assumes that an informed purchaser would pay no more for a property than the cost of acquiring another existing property with the same utility. The sales comparison approach is most applicable in an active market where there is good and sufficient data on recent bona fide arms-length transactions to indicate a normal value pattern. The sales comparison approach is often relied upon for owner-user properties. This approach is based on a major premise that holds that the market value of a property is directly related to the prices paid for comparable, competitive properties. In this approach, data on comparable property sales is gathered and analyzed. Since no two properties are usually ever exactly the same, adjustments must be made to compare one property to another. Price adjustments are made to comparable properties for the elements of comparison that affect value. When a sale is inferior to the subject property, the comparable price is adjusted upwards. When the sale is superior to the subject property, the comparable price is adjusted downwards.

The income capitalization approach involves the capitalization (dividing income by a rate of return) of the net income that a property is producing, or is capable of producing, to form a value conclusion. Income producing property is typically purchased for investment purposes and from the investor's point of view earning power is the critical element affecting the property's value. A basic investment belief reasons that the higher the earnings, the higher the value, provided there is no change in risk. The income approach is most applicable when a bona fide rental is currently in place or there is sufficient market data from competitive rentals and expenses to indicate a likely net income.

The cost approach was not used due to the following: There are no improvements to be valued.

The sales comparison approach for land was used due to the following: Market participants consider this the most reliable way to estimate value; There were an adequate number of sales to consider to form a meaningful conclusion of value.

The income approach was not used due to the following: Not enough data exists to form a meaningful conclusion of value; There is no rental in place at the subject property at the current time.

Reconciliation is the final step in the valuation process in which an appraiser considers alternative value indications and selects a final value estimate. To properly conduct the reconciliation process, an appraiser reviews the entire appraisal. The strengths and weaknesses of each approach are then determined. Finally, the appraiser is then able to select a final value estimate that has taken into consideration the validity of data presented, the authenticity of data obtained, and the quantity of evidence provided by a particular comparable or value approach. The final value estimate in an appraisal report is normally stated as a single figure.

SITE VALUATION

In order to develop a value opinion of the subject property land, consideration is given to the highest and best use of the site.

Land valuation is determined by such basic principles as anticipation, change, supply and demand, substitution, and balance. The valuation of land considers property rights and public controls that affect land use and land value such as limitations on land development, subdivision guidelines, zoning ordinances, and other public restrictions. Also, the physical characteristics of a site, such as size, shape, frontage, topography, and view, affect its use and value.

Some common land valuation techniques, or procedures to value land, include the sales comparison approach, allocation method, extraction method, land residual technique, and ground rent capitalization. Nearly all market participants in the subject's neighborhood buy, sell, and list land based on an analysis of closed sales, listings or pending sales of properties that are similar to the subject property, or the sales comparison approach. Therefore, the sales comparison approach is the most applicable and supportable valuation method for land in this neighborhood and is the approach used in this analysis.

Since no two parcels of real estate are usually exactly alike, adjustments must be made where the market indicates such adjustments are justified. Downward adjustments are made to the comparable sale when the sale property is superior to the subject, and upward adjustments are made to the comparable sale when the sale property is inferior to the subject.

The sales comparison approach has a relationship to several appraisal principles. Property prices are determined by the principle of supply and demand because if demand for a particular type of property is high, then prices tend to increase, and, conversely, if demand is low, prices tend to decline. The principle of balance states that the forces of supply and demand tend to be in equilibrium, but absolute equilibrium is rarely ever attained. The principle of substitution states that when several similar properties are available, the one with the lowest price will attract the greatest demand. The principle of externalities states that positive and negative external forces have effects on a property's value.

Generally, numerous sales of exact identical properties do not sell within a limited time frame or within a certain short period of time. Therefore, in choosing comparable sales, those comparables having the best combination of the following characteristics were chosen:

1. Properties most similar to the subject with regard to physical characteristics, zoning, property use, and tenant or owner-occupant user profiles;
2. Properties in the same neighborhood as the subject, or similar competing neighborhood, which cater to the same market;
3. Properties that have most recently been sold.

Elements of comparison are the characteristics of properties and transactions that help explain the variances in the prices paid for real property. The basic elements of comparison used by market participants in this neighborhood include property rights conveyed, financing terms, conditions of sale (motivation), date of sale (market conditions), location, physical characteristics, available utilities, zoning, legal encumbrances, economic characteristics, and highest and best use.

The most common units of comparison in site valuation include sales price per square foot, sales price per acre, sales price per frontage foot or sales price per depth of lot footage. In this market, the primary unit of comparison used by most market participants is the sale or listing price per square foot or acre.

The process of sales comparison in this appraisal began with an extensive search for comparable sales of similar properties that occurred in the subject's neighborhood, or similar locations, during the past three to four years. The use of any sale older than four years is deemed unreliable for comparison purposes by most market participants.

Due to the lack of recent comparable sales of properties similar to the subject property and located in the same area as the subject property, it was necessary to use some comparable sales that are slightly older than normally used and some sales that are located in competing areas slightly outside of the subject's immediate marketing area.

The following land sales were selected as being the most reliable indicators of market value for the subject site.

COMPARABLE LAND SALE NO. 1



0 Huff N Puff Road, Lakeland, Shelby County, TN 38002
South side of Huff N Puff Road, Approximately 86' east of Skyway Drive if Extended
Tax Parcel ID: L0159 00410

Proximity:	Approximately 350' west
Grantor:	Quantum Hotels, LLC
Grantee:	City of Lakeland, Tennessee
Deed:	23083962
Sale Date:	September 20, 2023
Sale Price:	\$500,000
Financing:	All cash sale
Verification of Sale:	Will Patterson, atty., 901-372-5003; review deed
Site Size:	1.003 acres or 43,696 square feet
Unit Sale Price:	\$11.44 per square foot

Comparable Land Sale No. 1 (cont.)

Zoning:	C-2, Regional Commercial District
Utilities:	All utilities are present.
Shape:	Rectangular
Topography:	Level and at street grade.
Easements/Encumbrances:	Per the subdivision plat, there is a 20' water line easement that is located near the southwest corner, and there is a 20' water valve easement that is located at the southwest corner. These easements would affect the usability of this property but the impact would appear to be minor as the easement area could be used for parking purposes.
Comment:	The attorney for the buyer was interviewed to confirm the details of this sale. This property was not on the market at time of sale. When the City of Lakeland was negotiating with the owner of this property on another property (the Econo Lodge Motel located across the street), it inquired about purchasing this property. An appraisal was done which came back at \$350,000 which was the original offer price. The attorney states negotiations went back and forth on this property with the buyer being very motivated to purchase and the seller wanting to sell but not eager unless he received a premium price. Therefore, there was unusual buyer motivation and no seller motivation present. This is a level, vacant lot that is located between the Super 8 Motel and The Refuge Church. This property has I-40 interstate exposure along the exit ramp. The attorney states this transaction was fully negotiated but the City of Lakeland paid a higher price to avoid future litigation.
Adjustment:	A large downward adjustment was necessary due to the conditions of sale which included abnormal buyer motivation. Additional downward adjustments were necessary due to superior shape and superior location as compared to the subject property. An upward adjustment was necessary due to the presence of easements on this site.
Adjusted Unit Sale Price:	\$7.44 per square foot

COMPARABLE LAND SALE NO. 2



0 Canada Road, Lakeland Shelby County, TN 38002
West side of Canada Road, approximately 152.62' north of Zadio Kuehl Drive
Tax Parcel ID: L0159 00608

Proximity:	Approximately 1.4 miles south
Grantor:	763 S. Rowlett, LLC
Grantee:	Jacob Realty, LLC
Deed:	23096231
Sale Date:	October 31, 2023
Sale Price:	\$400,000
Financing:	\$300,000 through Simmons Bank
Verification of Sale:	Jim Gannaway, agent, 901-853-0763, Review Deed
Site Size:	0.9043 acres or 39,393 square feet
Unit Sale Price:	\$10.15 per square foot

Comparable Land Sale No. 2 (cont.)

Zoning:	C-2-Regional Commercial District
Utilities:	All utilities are present.
Shape:	Mostly rectangular
Topography:	Slopes up to mostly level.
Easements/Encumbrances:	5' and 9' landscape buffers, cross access easement along the west property line, and a 20' private sewer easement along the north and east property lines. The easements are generally located in a building setback area or other location where there will likely be no permanent improvements. Therefore, the easements do not materially affect this property.
Comment:	This lot is located along Canada Road just north of Highway 64. This property is located across the street from a single-family residential subdivision and near other vacant tracts of land. This property is located next door to Sale No. L-58. Per the listing agent who confirmed this sale, this property had a listing price of \$11.00 per square foot and was on the market for approximately one year prior to sale. The buyer is reportedly going to develop this land into a small retail strip shopping center. This property is known as Lot 4, Canada Road Business Park Resubdivision of Lot 3, as shown on plat of record in Plat Book 291, Page 31, in the Register's Office of Shelby County, Tennessee.
Adjustment:	Downward adjustments were necessary due to superior location and superior shape.
Adjusted Unit Sale Price:	\$7.61 per square foot

COMPARABLE LAND SALE NO. 3



5352 Airline Road, Arlington, Shelby County, TN 38002
East side of Airline Road, approximately 360' north of Milton Wilson Drive
Tax Parcel ID: A0142 00461

Proximity:	Approximately 6.1 miles east
Grantor:	Sheila R. Clark, et al
Grantee:	SDP TN Arlington 1, LLC
Deed:	23027300
Sale Date:	March 28, 2023
Sale Price:	\$850,000
Financing:	\$2,561,250 construction loan through FNB Oxford Bank
Verification of Sale:	William Mitchell, agent, 901-260-5844; Review Deed
Site Size:	2.23 acres or 97,004 square feet
Unit Sale Price:	\$8.76 per square foot

Comparable Land Sale No. 3 (cont.)

Zoning:	E-Estate Residential District with the Future Land Use Map of Arlington noting that this a neighborhood support commercial area.
Utilities:	All utilities are present.
Shape:	Rectangular
Topography:	Level at street, slight slope down, then mostly level, then slopes down again.
Easements/Encumbrances:	Slope easement
Comment:	This property is located along Airline Road which is a growing commercial corridor located between I-40 Interstate and Highway 70. This property is located next to Patriot Bank, across the street from O'Reilly Auto Parts, and near Advanced Dermatology Clinic. This property has inferior topography because it slopes down from the street and continues to slope down towards the east. It appears as if this property also has some drainage issues present. There is a limited amount of frontage as this is a long rectangular shaped property. This property is the future home of Chipotle restaurant. An older home formerly occupied this site which neither added or detracted from the price paid. This home was demolished after the closing at the buyer's expense to make room for the new development. The buyer's representative, who was also interviewed, stated that the cost to demolish the improvements did not affect the sale price. A slope easement of 2,725 square feet exists along the frontage, however, it did not materially affect the price paid. Per the listing agent, the buyer will spend approximately \$150,000 filling in the north part of this site in order to make it fully usable.
Adjustment:	A large downward adjustment was necessary due to superior location and a large upward adjustment was necessary due to inferior topography.
Adjusted Unit Sale Price:	\$8.32 per square foot

COMPARABLE LAND SALE NO. 4



8872 Highway 64, Lakeland, Shelby County, TN 38002
North side of Highway 64, approximately 490' west of Rockcreek Parkway (if extended)
Tax Parcel ID: L01059 00580

Proximity:	Approximately 3.6 miles southwest
Grantor:	Highway 64 Partners, LP et al
Grantee:	GX17 Lakeland 64, LLC
Deed:	23058675
Sale Date:	July 14, 2023
Sale Price:	\$1,693,592
Financing:	\$6,594,000 through Farmers Bank & Trust Company which includes property plus additional items.
Verification of Sale:	Michael Greenberg, agent, 901-683-2220, Review Deed
Site Size:	4.86 acres or 211,699 square feet
Unit Sale Price:	\$8.00 per square foot

Comparable Land Sale No. 4 (cont.)

Zoning:	C2-Regional Commercial District
Utilities:	All utilities are present.
Shape:	Mostly Rectangular
Topography:	Slight slope down, mostly level, then a slight slope up at rear.
Easements/Encumbrances:	Pipeline and sign easements.
Comment:	This property is located immediately east of I-40 Interstate and is also located in the immediate vicinity of Esporta Fitness Center. The future use of this property is Glide Xpress Carwash. There is no direct access to this property off of Highway 64 as this property is located off of a service street which adjoins Highway 64. This property was on the market for many years prior to sale. It is a long rectangular shaped tract of land which has limited frontage compared to its depth. Per the Final Plat, there is a pipeline easement and sign easement located on this site, however, due to the location of these easements it does not appear as if they materially impacted the price paid. Other easements exist per Deed No. 14013781 which appear to be typical for a commercial subdivision lot. According to the listing agent who confirmed this sale, the shape of this property affected the listing price and the price paid. This property is known as Lot 1 and Lot 2, Final Plat, Brunswick 64 Commercial Subdivision, as shown on plat of record in Plat Book 301, Page 12, in the Register's Office of Shelby County, Tennessee.
Adjustment:	A large upward adjustment was necessary due to larger site size whereas downward adjustments were necessary due to superior shape and superior location.
Adjusted Unit Sale Price:	\$8.00 per square foot

COMPARABLE LAND SALE NO. 5



0 Arlington Trail, Arlington, Shelby County, TN 38002
Northwest corner of Arlington Trail and New Airline Road
Tax Parcel ID: A01052 00309

Proximity:	Approximately 5.5 miles east
Grantor:	Grant Properties, LLC
Grantee:	Shiv Arlington, LLC
Deed:	23082624
Sale Date:	September 27, 2023
Sale Price:	\$655,700
Financing:	\$491,775 through Guaranty Bank and Trust Company
Verification of Sale:	Manoj Patel, buyer, 912-704-5771, Review Deed
Site Size:	1.434 acres or 62,447 square feet
Unit Sale Price:	\$10.50 per square foot

Comparable Land Sale No. 5 (cont.)

Zoning:	SC (PD) - Shopping Center District (Planned Development)
Utilities:	All utilities are present.
Shape:	Rectangular
Topography:	Mostly level with a slight slope down on the north and west.
Easements/Encumbrances:	Drainage and public sanitary sewer easement.
Comment:	This property is a nice, level corner lot located in front of the Sentry Self Storage. This property is located across the street from a convenience which is currently being developed and it is also located between two other convenience stores. The buyer, who was interviewed to confirm the details of this sale, is planning to develop this property into either a shopping center or a freestanding commercial building and will ultimately make the decision once he discusses a proposed development with the Town of Arlington. The buyer reports this was a fair market, arms-length transaction. There are two newer limited service oriented smaller hotels located in the immediate vicinity. This property is part of the Arlington Trails Planned Development. This property is known as Lot 6, Final Plat, Phase 1, Arlington Trails Planned Development, as shown on plat of record in Plat Book 283, Page 47, in the Register's Office of Shelby County, Tennessee. The drainage easement is located mostly along the west property line, and the sanitary sewer easement is located at the corner to the entrance of the subdivision. See plat for exact locations. Neither easement appears to have materially impacted the price paid.
Adjustment:	Downward adjustments were necessary due to superior shape and superior location.
Adjusted Unit Sale Price:	\$8.40 per square foot

Included in the addenda is a neighborhood map indicating the location of the subject property and all comparable land sales.

All of the above sales are believed to be arms-length. All sales used represent sales of fee simple estate, or its equivalent, and no adjustment was necessary for property rights conveyed. All sales were transacted in cash, or terms equivalent to cash, and no adjustment for financing terms were required. There were no market differences between the sale dates of the comparables and the effective date of the appraisal. Therefore, no adjustments were necessary for timing.

The land sales indicate an initial unadjusted unit range in value from \$8.00 to \$11.44 per square foot. The adjusted unit prices of the comparable land sales produced a range of \$7.44 to \$8.40 per square foot. The following sales offer the highest overall comparability to the subject property: Sale No. 1 – good sale confirmation and close proximity; Sale No. 5 – similar location near interstate I-40 and most similar size as compared to the subject. Further consideration was given to the location of Sale No. 1 being in the same location as the subject property and having the same influences upon it, and the likely development of the adjacent property by the City of Lakeland and the YMCA when determining the market unit value of the subject property.

Accordingly, the unit value selected is \$8.25 per square foot.

Conclusion:

The indicated value of the subject's site is calculated as follows:

74,052 Square Feet of Land Area x \$8.25 Per Square Foot Unit Value:	\$610,929
Indicated Value of the Subject Site:	(Rounded) \$610,000

FINAL RECONCILIATION AND MARKET VALUE OPINION

Final reconciliation is defined as follows:

The last phase in the development of a value opinion in which two or more value indications derived from market data are resolved into a final value opinion, which may be either a range of value, in relation to a benchmark, or a single point estimate.

When more than one valuation approach is applied, each approach typically results in a different indication of value. Therefore, if two or more approaches are used, the appraiser must reconcile the different value conclusions. Reconciliation is the analysis of alternative value indications to determine a final value conclusion. Reconciliation includes a review of the entire valuation process that would consider the validity, consistency, and authenticity of data found.

Reconciliation also involves the appraiser weighing the relative significance, applicability, strengths and weaknesses, and defensibility of each value indication.

The current use of the subject property as of the effective date of value is: approximately 1.70 acres of vacant land.

The highest and best use of the subject property as of the effective date of value is: Remain vacant until the proposed YMCA building next door is developed, and consider developing the subject property at that time.

The value indications for each applicable approach are as follows:

Sales Comparison Approach (Land only):	\$610,000
Cost Approach:	N/A
Sales Comparison Approach (Improvements plus Land):	N/A
Income Approach:	N/A

The reconciliation of alternate opinions of value was not needed since only one approach was used, with reconciliation occurring within the site valuation to arrive at the market value opinion.

Based on the valuation analysis in the attached report, and subject to the definitions, assumptions, and limiting conditions expressed in the report, it is my opinion that the market value of the subject property, in terms equivalent to cash, as of December 15, 2024, is:

SIX HUNDRED AND TEN THOUSAND DOLLARS (\$610,000)

ADDENDA

QUALIFICATIONS OF THE APPRAISER

ERIC A. TROTZ, MAI, AI-GRS, GAA

BUSINESS

President - Trotz Real Estate Services, Inc., Memphis, Shelby County, Tennessee.

Since 1984 - Engaged in the sales and leasing of residential, commercial and industrial properties.

Since 1990 - Engaged in the appraisal and consulting of the following types of property: commercial, industrial, office, retail, residential, multifamily, special purpose and vacant land.

EDUCATION

College:

University of Tennessee, Knoxville - Bachelor of Science in Business Administration Degree

Professional Courses Completed:

Principles of Real Estate, Memphis State University; Office Brokerage and Management, Memphis State University; Basic Construction and Design Course, Memphis State University; Course 1A1/8-1, Real Estate Appraisal Principles, American Institute of Real Estate Appraisers; Course 8-2 Residential Valuation, American Institute of Real Estate Appraisers; Course 1A2, Basic Valuation Procedures, Appraisal Institute; Course SPP, Standards of Professional Practice Part A and B, Appraisal Institute; Course SPP-430, Standards of Professional Practice, Part C, Appraisal Institute; Course 1BA, Capitalization Theory & Techniques, Part A, Appraisal Institute; Course 1BB, Capitalization Theory & Techniques, Part B, Appraisal Institute; Course 540, Report Writing and Valuation Analysis, Appraisal Institute; Course 550, Advanced Applications (Case Studies), Appraisal Institute; Course Comprehensive Appraisal Workshop, The Comprehensive Appraisal Workshop/Ted Whitmer, Review Theory - General

Seminars for Continuing Education Credit:

Accrued Depreciation; Appraisal Regulations of the Federal Banking Agencies; Appraisal Reporting of Complex Residential Properties; Understanding Limited Appraisals and Reporting Options; The High Tech Appraisal Office; Litigation Skills for the Appraiser; Appraisal Office Management, FHA and the Appraisal Process; Fundamentals of Relocation Appraising; Analyzing Commercial Lease Clauses; Evaluating Commercial Construction; Evaluating Residential Construction; Analyzing Operating Expenses; Appraisal Consulting; New Technology for Real Estate Appraisers; Professionals Guide to the URAR; Real Estate Investment and Development - A Valuation Viewpoint; Forecasting Revenue; Eminent Domain and Condemnation; National Association of Realtors Quadrennial Ethics Training; REO Appraisal: Appraisal of Residential Property for Foreclosure and Pre-Foreclosure; The New Residential Market Conditions Form; Real Estate Appraisal Operations; Appraisal Curriculum Overview (2-Day General); The Discounted Cash Flow Model; Mortgage Fraud and the TN Real Estate Appraiser Commission; Using Spreadsheet Programs in Real Estate Appraisals: The Basics; Data Verification Methods; Litigation Appraising for Residential Appraisers; Complex Litigation Appraisal Case Studies; Marketability Studies: Advanced Considerations & Applications; Cool Tools: New Technology for Real Estate Appraisers; The Appraiser as an Expert Witness: Preparation & Testimony; Thinking Outside the Form; Compliance, Completeness & Competency; Advanced Land Valuation; Case Studies in Complex Valuation; IRWA Land Acquisition and Relocation Workshop; National USPAP Update 2020-2021; Appraising Convenience Stores; Complex Litigation Case Studies; Pipeline and Corridor Easements; Six Recent Appraiser Lawsuits & Lessons from Each; Inconsistency: It's Hiding in Plain Sight in Your Appraisal; National USPAP Update 2022; Business Practices and Ethics; Data Verification Methods; The Tough Ones: An Income Capitalization & Sales Comparison Approach to Mixed-Use Properties; National USPAP Update 2024-2025; Expand Your Practice: Arbitration Do's and Don'ts; Understanding the Construction Draw Sheet

PROFESSIONAL AFFILIATIONS

National Association of REALTORS; Tennessee REALTORS; Memphis Area Association of REALTORS; NAREB

Appraisal Institute - Designated MAI Member; Designated AI-GRS Member

National Association of REALTORS – Designated GAA General Accredited Appraiser

TYPICAL APPRAISAL CLIENTS

Banks:

First Tennessee National Bank
SunTrust Bank
Tennessee Bank and Trust
Bank of America
BancorpSouth

Cadence Bank
Bank of Bartlett
INSOUTH Bank
American Savings Bank
Regions Bank

Mortgage Bankers:

H & R Block Mortgage Company
Atlantic Mortgage Company
CitiMortgage, Inc.
Option One Lending
First Trust Mortgage

Financial Federal Mortgage Co.
Sebring Capital Corporation
GE Capital Asset Management
Huntington Mortgage Company

Employee Transfer Companies:

Cartus Corporation
Schering-Plough Corporation
Graebel Relocation Services
Weichert Relocation Company
National Medical Resources
Royal LePage Relocation Services
Burgdorff Realtors

Corporate Relocation International
Crown Relocations
Newell Rubbermaid
Roadway Express, Inc.
Aluminum Corp. of America (Alcoa)
U.S. Relocation Co.

Municipalities and Governmental Authorities:

County of Shelby, Tennessee
City of Memphis, Tennessee
Town of Arlington, Tennessee
Town of Collierville, Tennessee
City of Lakeland, Tennessee
Veterans Administration (VA)
Shelby County Schools
Memphis City Schools
Memphis Area Transit Authority (MATA)
Tennessee Valley Authority (TVA)
TN Department of Transportation (TDOT)
Downtown Memphis Commission

City of Covington, Tennessee
Covington, TN Municipal Airport
City of Germantown, Tennessee
City of Millington, Tennessee
Memphis Light, Gas & Water Division (MLG&W)
Tennessee Department of Finance and Administration
Federal Housing Administration (FHA)
Memphis-Shelby County Airport Authority (MSCAA)
Memphis Housing Authority (MHA)
Memphis Center City Revenue Finance Corporation
Memphis & Shelby County Community
Redevelopment Agency

Multi-Family:

KEB NY Financial Corporation
Wachovia

Federal Home Loan Mortgage Corp.

Manufacturing/Industrial:

Delta Foremost Chemical Corp.
Aluma-Form, Incorporated
Sodexo Management Services

Delta-Detroit Diesel Allison
Hershey Foods
Cargill, Inc.

Special Case Studies:

Ray-O-Vac Corporation; Chicago Title Insurance Company; GTE Mobilnet/Contel Cellular, Inc.; Baptist Memorial Health Care System; Perkins Interstate Company; Mid-America Pipeline Company (MAPCO); PriceWaterhouseCoopers

Miscellaneous:

University of Tennessee; Lawyers Title Insurance Corporation; First American Title Insurance Company; BNSF Railway Corporation; ALSAC/St. Jude Children's Research Hospital; Catholic Diocese of Memphis; Westinghouse Credit Corporation; National Realty Advisors, Inc.; Methodist Health Systems, Inc.; St. Francis Hospital; TransCanada Pipeline Limited/ANR Pipeline; Downtown Memphis Commission; Numerous Attorneys and Individuals

COURT TESTIMONY

Shelby County Circuit Court
Shelby County Probate Court
Shelby County Criminal Court
Town of Collierville Municipal Court

Davidson County, TN Chancery Court
United States Federal Court
United States Bankruptcy Court

OFFICES HELD AND COMMITTEE ACTIVITY

Chairman - Memphis Area Association of REALTORS Grievance Committee (2022)
Director - Memphis Area Association of REALTORS (2019-2020)
Secretary/Treasurer - Memphis Area Association of REALTORS (2020)
Chairman - Memphis Area Association of REALTORS Budget and Finance Committee (2020)
Director - Tennessee REALTORS (2019-2020)
Member - Real Property Valuation Committee, National Association of REALTORS (2020-2024)
President - Memphis Chapter of the Appraisal Institute (2012 and 2006)
Vice President - Memphis Chapter of the Appraisal Institute (2011 and 2005)
Secretary/Treasurer - Memphis Chapter of the Appraisal Institute (2004, 2003 and 2002)
Memphis Chapter of the Appraisal Institute - Education Director; Membership Admission, Development and Retention Chair; Membership Guidance Chair; Financial Committee Chair; Board of Director Member
Tennessee Chapter of the Appraisal Institute – Memphis Branch Chapter Advisory Board Director
Committee Member - Memphis Area Association of REALTORS – Professional Development, Professional Standards, Grievance, Governing Documents, Intax, Nominating
Committee Member – Tennessee REALTORS – Professional Standards

OTHER

Memphis Area Association of REALTORS - 2023 REALTOR of the Year
Life Member - MAAR Multi-Million Dollar Club
Leadership Development and Advisory Council LDAC - Washington, DC - Advisor to National Leadership of Appraisal Institute and lobbied to U. S. Congressional Staff on behalf of Appraisal Institute
Leadership MAAR (2020)
REALTOR Day on the Hill - Nashville, TN - Tennessee REALTORS
D.C. Day on the Hill - Washington, D.C. - National Association of REALTORS
Appraisal Institute, Region IX - Nominating Committee
Recipient of William S. King Scholarship (Memphis Chapter of the Appraisal Institute)

STATE LICENSES

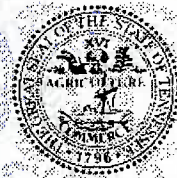
Tennessee State Certified General Real Estate Appraiser - CG-1174
Tennessee Real Estate Commission, Real Estate Broker, License No. 00215814
Tennessee Registered Agent - No. 391

13457267

State of Tennessee

TENNESSEE REAL ESTATE APPRAISER COMMISSION
CERTIFIED GENERAL REAL ESTATE APPRAISER
ERIC A TROTZ

This is to certify that all requirements of the State of Tennessee have been met.



ID NUMBER: 1174
LIC STATUS: ACTIVE
EXPIRATION DATE: August 03, 2025

IN-1313
DEPARTMENT OF
COMMERCE AND INSURANCE

November 20, 2024

VIA CERTIFIED U. S. MAIL, RETURN RECEIPT REQUESTED

Mr. Vipulkumar R. Patel
9779 Huff N Puff Road
Lakeland, TN 38002

RE: Appraisal Report – 9920 Beverle Rivera Drive and 0 Huff N Puff Road, Lakeland, Shelby County, TN 38002; Shelby County Tax Parcel Identification Nos. L0159 00143 and 00493; Property of Vipulkumar R. Patel

Dear Mr. Patel,

I have been retained by the City of Lakeland to appraise the above property. I am currently working on this assignment and anticipate making a site visit to the property in approximately one week to 10 days.

If you have any information at this time that might be helpful to me, please let me know at your earliest convenience. This would include, but not be limited to, such items as current or past listings of your property, current or past offers on your property, ground leases and amendments, survey, legal description, plat, site plan, list and age of improvements on your property, comparable sales data, neighborhood information, or any information you feel impacts the overall value, etc.

Should you wish to accompany me or meet with me during the appraisal inspection, please do not hesitate to contact me at once. I may be reached at 901-683-7373 ext. 101 (o), 901-277-7373 (c) or etrotz@trotzrealestate.com. I look forward to working with you and thank you very much for your time and attention to this matter.

Very truly yours,

TROTZ REAL ESTATE SERVICES, INC.


Eric A. Trotz, MAI, AI-GRS, GAA
Designated Member of the Appraisal Institute
TN State Certified General Real Estate Appraiser - CG-1174

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Vipul Kumar R. Patel
9779 HUFF N PUFF Road
Lake land, TN 38002



9590 9402 8412 3156 1421 31

2. Article Number (Transfer from service label)

7018 3090 0001 5020 0413

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X**☐ Agent☐ Addressee**B. Received by (Printed Name)**

VIPUL PATEL

C. Date of Delivery**D. Is delivery address different from item 1? ☐ Yes**If YES, enter delivery address below: ☐ No**3. Service Type**☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Insured Mail Restricted Delivery
(over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted
Delivery☐ Signature Confirmation™☐ Signature Confirmation
Restricted Delivery



Looking southwest from the northeast corner



Looking south from Beverle Rivera Drive – photo taken near middle of site



Looking southeast – photo taken at northwest corner



Typical interior view – looking east from the west property line –
photo taken near middle of site



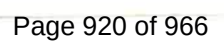
Looking northeast – photo taken from the southwest corner



Typical interior view – looking north from Huff n Puff Road –
photo taken near middle of site



Looking northwest – photo taken from the southeast corner



Memphis MSA Major Employers 2022

Company	Services	Address	City	ST	Website	Employees	Top Contact	Title
FedEx Corporation	Air Courier / Ground Delivery	942 S. Shady Grove Rd.	Memphis	TN	fedex.com	30,000	Raj Subramaniam	CEO
United States Government	Federal government		Memphis	TN	usa.gov	14,000		
Shelby County Schools	Primary and secondary education	160 S Hollywood Street	Memphis	TN	sck12.org	13,900		Superintendent
Tennessee State Government	Government	40 S. Main St.	Memphis	TN	tn.gov	13,400	Bill Lee	Governor
Methodist Le Bonheur Health Care	Integrated Health Care System - Hospitals	1211 Union Ave. Ste. 700	Memphis	TN	methodisthealth.org	12,781	Michael Ugwueke	CEO
City of Memphis	Government	125 N. Main St.	Memphis	TN	memphistn.gov	8,093	Jim Strickland	Mayor
Baptist Memorial Healthcare Corp.	Hospitals	350 N. Humphreys Blvd.	Memphis	TN	baptistonline.org	7,965	Jason Little	President and CEO
Walmart	Discount general merchandise		Memphis	TN	walmart.com	7,000	Nick Berkeley	Senior Vice President
The Kroger Co	Retail groceries	800 Ridge Lake Blvd	Memphis	TN	kroger.com	6,700	Michael Cristal	President, Delta Division
Naval Support Activity Mid-South	Military Installation	5722 Integrity Dr.	Millington	TN	cnic.navy.mil/midsouth	6,500	Michael Mosbrugger	Commanding Officer
St. Jude Children's Research Hospital	Health Care	262 Danny Thomas Place	Memphis	TN	stjude.org	5,344	James Downing	President/CEO
Shelby County Government	Government	160 N. Main St.	Memphis	TN	shelbycountyn.gov	5,269	Lee Harris	Mayor
Nike, Inc.	Distribution Center For Nike Apparel	3699 Swoosh Dr.	Memphis	TN	nike.com	4,700	Derrick Thomas	General Manager
DeSoto County School District	Public Schools	5 E. South St.	Hernando	MS	desotocountyschools.org	4,400	Cory Uselton	Superintendent
Orgill Inc.	Home Improvement Products Distribution	4100 S. Houston Levee Rd	Collierville	TN	orgill.com	4,684	Boyd Moore	President and CEO
Technicolor	DVD and BluRay Distribution	4155 E. Holmes Rd.	Memphis	TN	technicolor.com	3,500	David Holiday	President, Supply Chain Solutions
University of Tennessee Health Science Center	Universities	920 Madison Ave.	Memphis	TN	uthsc.edu	3,500	Peter Buckley	Chancellor
Deutsche Post DHL	Third Party Logistics	6200 Global Dr.	Memphis	TN	dhl-usa.com/supplychain	3,022		
Smith & Nephew, Inc.	Orthopedic Device Manufacturing	7135 Goodlett Farms Pkwy.	Cordova	TN	smith-nephew.com	2,720	Randy Kilburn	EVP/ GM
Memphis Light, Gas & Water	Public Utilities	220 S. Main St.	Memphis	TN	mlgw.com	2,700	Doug McGowen	CEO
Milwaukee Electric Tool Corp.	Power Tools Distribution	12385 Crossroads Dr.	Olive Branch	MS	milwaukee.com	2,681	C.J Allen	VP, Distribution
Regional One Health	Hospitals	877 Jefferson Ave.	Memphis	TN	regionalonehealth.org	2,568	Reginald Coopwood	CEO
Veterans Affairs Medical Center	Medical center	1030 Jefferson Ave	Memphis	TN	memphis.va.gov	2,568	Joseph Vaughn	Executive Director/ CEO
AutoZone Inc.	Auto Parts Retail	123 S. Front St.	Memphis	TN	autozone.com	2,500	Bill Rhodes	President and CEO
University of Memphis	Colleges & Universities	3720 Alumni Ave	Memphis	TN	memphis.edu	2,470	Bill Hardgrave	President
International Paper Co.	Paper & Packaging	6400 Poplar Ave.	Memphis	TN	internationalpaper.com	2,400	Mark Sutton	CEO
St. Francis Healthcare	Hospitals	5959 Park Ave.	Memphis	TN	saintfrancis.hosp.com	2,232	Chris Cosby	CEO
United Parcel Service Inc.	Express Carrier	3675 Swinnea Rd.	Memphis	TN	ups.com	2,150	Dan Cardillo	Media Relations Manager
Amazon	eCommerce Fulfillment	3282 E. Holmes Rd.	Memphis	TN	amazon.com	2,100		
First Horizon National Corp.	Banking	165 Madison Ave.	Memphis	TN	firsthorizon.com	1,916	Bryan Jordan	President and CEO
Cummins Inc.	New & Remanufactured Diesel Components & Engines	4155 Quest Way	Memphis	TN	cummins.com	1,800	Patricia Covington	Site Leader
Carrier Global Corp.	A/C Heating & Manufacturing	97 S. Bynalia Rd.	Collierville	TN	carrier.com	1,600	Steven Youngblood	Director, Operations

Memphis MSA Major Employers 2022

Company	Services	Address	City	ST	Website	Employees	Top Contact	Title
AT&T Inc.	Telecommunications Provider	8055 Primacy Pkwy., 200	Memphis	TN	att.com	1,500	Chuck Thomas III	Regional Director, External Affairs
Cigna HealthCare of Tennessee Inc.	Health Care Services	3340 Players Club Ste 210	Memphis	TN	cigna.com	1,500	John Webb	Market President, West TN/AR/MS
Southwest Tennessee Community College	Community Colleges	737 Union Ave	Memphis	TN	southwest.tn.edu	1,496	Tracy Hall	President
XPO Logistics Supply Chain	Third Party Logistics	4895 Citation Dr.	Memphis	TN	xpologistics.com	1,450	Joe Hauck	SVP, Marketing Communications
Medtronic, Inc.	Spinal & Orthopedic Products	1800 Pyramid Pl.	Memphis	TN	medtronic.com	1,400	Jacob Paul	SVP/President, Spinal
MGM Resorts International dba. Gold	Hotel & Casino	1010 Casino Center Dr.	Tunica	MS	goldstrike.com	1,300	David Tsai	President/COO
Strike Casino Resort	Home Improvement Retailer	4950 Stage Rd.	Memphis	TN	homedepot.com	1,200	William Salemi	District Manager
The Home Depot, Inc.	Full Security Guard Services	6084 Apple Tree Dr. #1	Memphis	TN	https://www.aus.com/	1,200	Craig Weiss	CEO
Allied Universal	Claims & Productivity	8125 Sedgwick Way	Memphis	TN	sedgwick.com	1,120	Bob Peterson	President and CEO
Sedgwick Claims Management Services, Inc.	Management	150 Peabody Place	Memphis	TN	servicemaster.com	1,000	Brett Ponton	CEO
Terminix Global Holdings Inc.	Pest Control Services	7860 Hacks Cross Rd.	Olive Branch	MS	dollartree.com	1,000	Tammy Rayford	Human Resources
Dollar Tree Stores/ Family Dollar Stores	Discount Stores	7895 Winchester Rd.	Memphis	TN	lowes.com	1,000	Karen Cobb	Manager, Corporate Public Relations
Lowe's	Home Improvement Retailer	755 Crossover Ln.	Memphis	TN	hiltonworldwide.com	959	Rick Shultz	Senior Vice President
Hilton Worldwide	Hotels	6200 Poplar Ave.	Memphis	TN	regions.com	955	David May	Area President, West Tenn.
Regions Financial Corp.	Financial services	1021 Casino Center Dr.	Tunica Resorts	MS	caesars.com	914	R. Scott Barber	Regional President
Casino & Hotel, Tunica Roadhouse (Casino)	Hotel & Casino	3934 Homewood Rd.	Memphis	TN	ozark.com	900	Tommy Higginbotham	CEO
Ozark Motor Lines, Inc.	Trucking Company	50 N. Front St. Ste. 1700	Memphis	TN	raymondjames.com	893	Field Norris	Complex Manager SVP, Investments
Raymond James	Investments & Securities	6525 Quail Hollow Rd	Memphis	TN	crye-leike.com	868	Harold Crye	CEO
Crye-Leike Inc.	Real Estate Agents	7980 N. Brother Blvd.	Memphis	TN	impact-logistics.com	850	David S. Hamilton	CEO
Impact Logistics	Staffing Agency	4395 S. Mendenhall Rd.	Memphis	TN	servicemasterfm.com	850	W. Troy Watson	CEO
ServiceMaster Facilities Maintenance	Facilities maintenance, janitorial services	4105 s. Mendenhall	Memphis	TN	kpowergl.com	800	Mike Kattawar	CEO
K Power Global Logistics	Third Party Logistics	100 Hino Blvd.	Marion	AR	hmmusa.com	800	Chris Martin	VP, Production
Hino Motors Manufacturing USA Inc.	Medium Duty Trucks	860 Ridge Lake Blvd	Memphis	TN	abb.us	800	Frank Sullivan	Lead Division Manager, North America
ABB Electrification Products	Electric Products Supplies	150 Peabody Place	Memphis	TN	frontdoor.com	750	Bill Cobb	CEO
Frontdoor Inc.	Home Services	3971 Knight Arnold Rd.	Memphis	TN	svcs.org	750	Tyler Hampton	Executive Director
SRVS	Disability services	5851 Ridgeway Center Pkwy	Memphis	TN	malco.com	750	Robert Levy	Co-Chairman
Malco Theatres, Inc.	Movie Theaters	1023 Cherry Rd	Memphis	TN	stryker.com	700	Robert Palmisano	CEO
Stryker	Orthopedic Device Manufacturing	7777 N. Brother Blvd.	Memphis	TN	brother.com	700	Norio Mitsubayashi	President, U.S. Manufacturing
Brother International Corp.	Machine Assembly, Repair and Distribution	2000 N. Hwy. 51	Memphis	TN	unileverusa.com	700	Glenn Harvath	Site Leader
Unilever	Ice Cream Manufacturing	1477 Casino Strip Resort Blvd	Covington	TN	samstowntunica.com	700	Toni Burns	General Manager
Sam's Town Hotel & Gambling Hall Tunica	Hotels	119 S. Main St #800	Tunica	MS	carlislecorp.com	700	Chance Carlisle	CEO
Carlisle LLC	Real Estate Development	2168 Frisco Ave.	Memphis	TN	kelloggs.com	650	Derrick Brewster	Plant Manager
Kellogg Co.	Cereal Manufacturing		Memphis	TN				

Memphis MSA Major Employers 2022

Company	Services	Address	City	ST	Website	Employees	Top Contact	Title
Helen of Troy Campbell Clinic Inc.	Brand Name Personal Care Products Distribution Orthopedic Clinics	3890 Highway 51 North 1400 S. Germantown Rd.	Southaven Germantown West	MS TN	hotus.com campbellclinic.com	650 628	J.R. Saylor Daniel Shumate	SVP, Logistics and Customer Service CEO
Southland Park Gaming & Racing	Casino and Race Track	1550 N. Ingram Blvd.	Memphis	AR	southlandpark.com	600	David Wolf	President/GM
ABM Industries	Building & Equipment Maintenance	1682 N. Shelby Oaks Dr	Memphis	TN	abm.com	600	Scott Steward	VP, Southeast Operations
Volvo Group	Auto Parts Distribution	100 Gateway Global	Byhalia	MS	volvogroup.com	575	Brad Bossence	Director, Distribution
Old Dominion Freight Line Inc. (Burlington Northern Santa Fe LLC (Subsidiary of Berkshire Hathaway)	Less-Than-Truckload Freight Carriers	2098 Spirit of 76 Dr.	Memphis	TN	odfl.com	565	Ahmad Wesley/Tim Pike	Regional Manager/Service Center Manager
YRC Freight	Railroad Company	5280 E. Shelby Dr.	Memphis	TN	bsnf.com	550	Katie Farmer	President and CEO
Coca-Cola Enterprises Inc.	LTL Carrier	3310 Gill Rd.	Memphis	TN	ycw.com	540	Martin Pond	Distribution Center Manager
IMC Companies	Soft Drink Bottling	499 S. Hollywood St.	Memphis	TN	cokeconsolidated.com	525	Carlton Lewis	VP, Manufacturing
Kuehne & Nagel	Intermodal	3150 Lenox Park Blvd	Memphis	TN	imccompanies.com	520	Mark George	Chairman
Lakeside Behavioral Health System	Third Party Logistics	4080 Executive Dr.	Southaven	MS	kuehne-nagel.com	510	Bruce Steinkamp	Regional GM
West Cancer Center	Behavioral Health Services	2911 Brunswick Rd.	Memphis	TN	https://lakesidebhs.com/ westcancercenter.org	503	Anna Joy Golden	CEO
Clarion Security	Health Care	7945 Wolf River Blvd.	Germantown	TN		500	Mitch Graves	CEO
Hershey Company	Armed & Unarmed Security Services	1760 Moriah Woods Blvd., #	Memphis	TN	clarionsecurity.com	500	Larry Heathcott	CEO
Advanced Services Inc. (dba ASI; subsidiary of GE Appliances)	Confectionery Distribution	975 Kansas St	Memphis	TN	hersheys.com	500	Nakeia Grimes	Plant Manager
Elvis Presley Enterprises, Inc.	Call Centers	6419 Shelby View Dr., #110	Memphis	TN	ascontactcenters.com	500	Jill Sullivan	Senior VP
PFSweb Inc.	Tourism	3734 Elvis Presley Blvd	Memphis	TN	graceland.com	500	Jack Soden	CEO
	Third Party Logistics	4638 E. Shelby Dr.	Memphis	TN	pfsweb.com	550	John Gardner	SVP, Fulfillment Operations

Updated 23 February, 2022 by Greater Memphis Chamber

Sources: Memphis Business Journal Book of Lists; Data Axle/ReferenceUSA; Hoovers; The Daily Memphian

The Greater Memphis Chamber is providing this list as a courtesy and is in no way endorsing or promoting any business within the list.

While the Economic Development Department's ultimate goal is to provide accurate and up-

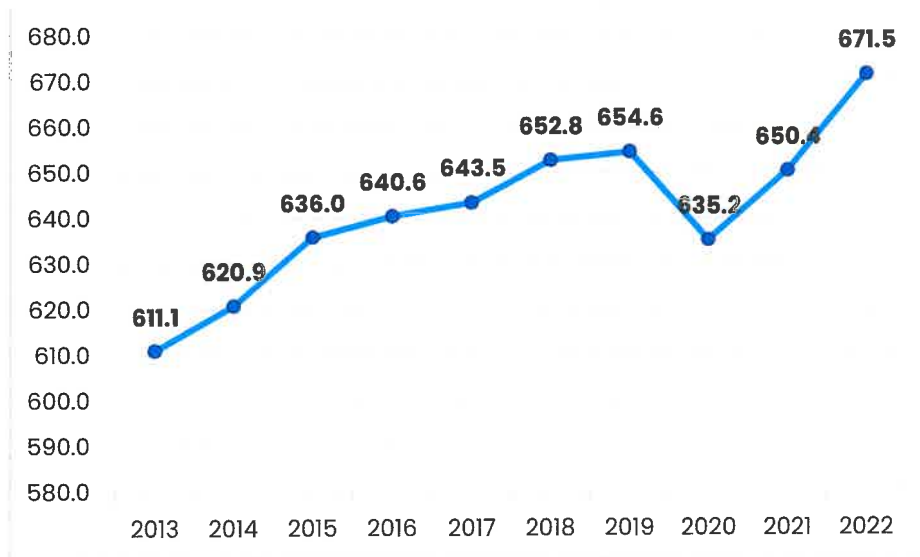


Memphis MSA Non-Farm Employment

The Memphis MSA employs over 671,000 people according to the most recent data available from the Bureau of Labor Statistics, Current Employment Statistics program. As of March 2022, the area had recovered all employment lost due to the pandemic and has remained on a growth trajectory for most of the year. Total non-farm employment increased by 3.24% from November 2021 to November 2022, representing the highest level of employment in the region's history.

Industry	Jobs: November, 2021	Jobs: November, 2022	% Change	MSA Industry Composition %
<i>Business Services</i>	92,556	98,546	6.47%	14.68%
<i>Construction</i>	25,703	25,582	-0.47%	3.81%
<i>Education & Health</i>	93,139	96,844	3.98%	14.42%
<i>Financial Activities</i>	26,945	29,053	7.82%	4.33%
<i>Government</i>	83,214	82,825	-0.47%	12.33%
<i>Information</i>	5,401	5,392	-0.17%	0.80%
<i>Leisure & Hospitality</i>	61,972	66,855	7.88%	9.96%
<i>Manufacturing</i>	43,670	43,961	0.66%	6.55%
<i>Misc. Industries</i>	6,000	5,000	-16.67%	0.74%
<i>Other Services</i>	27,355	27,961	2.22%	4.16%
<i>Trade/Transportation/Utilities</i>	184,485	189,490	2.71%	28.22%
	650,441	671,510	3.24%	100%

Memphis MSA: Month of November Employment 2013 – 2022 (Thousands)



Source: Bureau of Labor Statistics, CES Data (total non-farm employment in thousands; seasonally adjusted)

C2ER COST OF LIVING INDEX

2022, Q3 Data



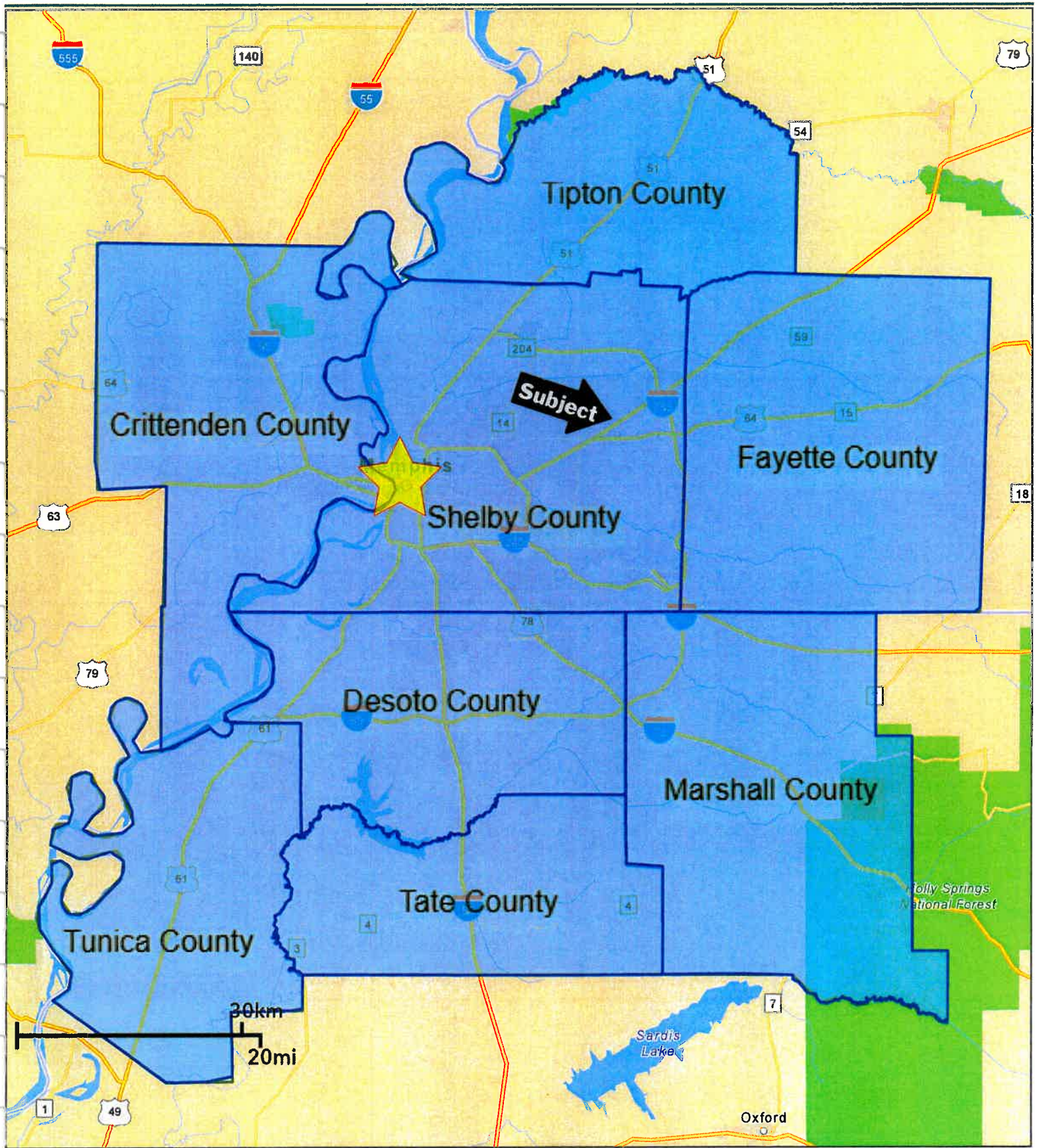
U.S. Metro Average =100

Metropolitan Area	Composite	Grocery	Housing	Utilities	Transportation	Health-care	Misc. Goods
New York (Manhattan), NY	237.6	126.2	491.2	102.3	110.4	108.8	136.2
San Francisco, CA	182.8	131.7	307.9	128.5	131.8	127.3	122.0
Honolulu, HI	186.0	148.5	307.0	134.6	128.3	120.3	124.1
Washington, DC	153.4	105.2	243.9	118.4	109.7	94.8	118.9
Oakland, CA	147.3	130.8	201.1	125.6	127.3	124.6	116.7
Seattle, WA	152.2	125.0	217.8	102.4	129.8	134.5	125.3
Boston, MA	149.9	113.0	217.3	121.2	134.0	113.8	120.6
Los Angeles, CA	152.5	107.0	239.5	111.6	126.0	110.8	115.3
Portland, OR	122.2	106.4	156.1	91.3	125.1	109.2	108.0
Miami, FL	122.8	119.4	152.8	106.3	107.4	94.5	107.5
Denver, CO	111.2	95.5	134.6	92.4	104.5	101.7	105.5
New Orleans, LA	111.5	96.5	141.6	80.6	100.5	114.2	101.8
Philadelphia, PA	103.1	115.5	96.4	111.1	106.7	95.6	100.2
Atlanta, GA	98.7	95.2	100.9	87.0	101.7	110.2	100.1
Dallas, TX	103.0	96.2	95.9	119.0	82.4	115.5	112.1
Austin, TX	101.0	89.7	117.5	97.4	89.7	101.1	94.5
Pittsburgh, PA	101.1	110.6	93.9	128.1	103.4	97.1	93.7
Charleston, SC	98.5	101.6	96.4	115.8	93.7	91.0	95.1
Louisville, KY	94.2	93.0	78.1	104.3	114.0	73.2	106.3
Columbia, SC	92.3	102.3	74.3	134.4	68.9	84.7	97.8
Richmond, VA	95.4	93.9	86.0	102.8	98.4	99.3	102.3
Little Rock, AR	96.5	97.0	83.3	104.7	90.2	81.9	110.8
Nashville, TN	98.7	98.7	108.6	88.9	90.5	87.2	95.6
Houston, TX	91.8	90.3	81.9	103.0	100.1	94.4	96.6
Charlotte, NC	96.3	96.7	87.0	91.2	95.2	112.4	105.3
Jacksonville, FL	94.3	99.2	97.3	102.9	74.5	81.1	92.4
Tampa, FL	100.9	109.9	100.2	96.3	100.5	92.3	99.5
Cincinnati, OH	95.4	99.0	80.6	94.2	109.5	102.7	104.4
Raleigh, NC	97.0	92.1	97.5	100.4	98.3	104.2	96.7
Cleveland, OH	93.9	106.2	84.7	95.9	93.6	97.8	95.1
Indianapolis, IN	92.9	97.8	85.0	110.1	95.1	86.5	92.8
Jonesboro, AR	88.0	93.5	70.2	99.0	81.6	79.9	102.4
St. Louis, MO-IL Metro	87.0	99.1	75.0	90.2	96.0	90.5	88.5
Memphis, TN-MS-AR	86.2	90.1	80.3	91.2	92.4	86.7	86.7
Jackson, MS	83.4	93.4	68.1	83.5	89.5	104.6	88.8
Weighting Factor:	100%	14.1%	27.9%	9.3%	8.9%	4.7%	35.1%

The quarterly Cost of Living Index is available by subscription for \$175.00 per year. To purchase, please go to coli.org/store.asp. For additional information locally, contact the Greater Memphis Chamber at (901) 543-3500 or call C2ER at 703-522-4980.
1/9/23

Prepared By: The Greater Memphis Chamber

www.memphismoves.com



38002 (Arling...

Population

2010 Population	39,781
2020 Population	45,092
2024 Population	45,489
2029 Population	45,575
2010-2020 Annual Rate	1.26%
2020-2024 Annual Rate	0.21%
2024-2029 Annual Rate	0.04%
2020 Male Population	49.7%
2020 Female Population	50.3%
2020 Median Age	38.3
2024 Male Population	50.0%
2024 Female Population	50.0%
2024 Median Age	39.4

In the identified area, the current year population is 45,489. In 2020, the Census count in the area was 45,092. The rate of change since 2020 was 0.21% annually. The five-year projection for the population in the area is 45,575 representing a change of 0.04% annually from 2024 to 2029. Currently, the population is 50.0% male and 50.0% female.

Median Age

The median age in this area is 39.4, compared to U.S. median age of 39.3.

Race and Ethnicity

2024 White Alone	66.5%
2024 Black Alone	19.9%
2024 American Indian/Alaska Native Alone	0.3%
2024 Asian Alone	3.4%
2024 Pacific Islander Alone	0.1%
2024 Other Race	2.8%
2024 Two or More Races	7.0%
2024 Hispanic Origin (Any Race)	6.5%

Persons of Hispanic origin represent 6.5% of the population in the identified area compared to 19.6% of the U.S. population. Persons of Hispanic Origin may be of any race. The Diversity Index, which measures the probability that two people from the same area will be from different race/ethnic groups, is 57.1 in the identified area, compared to 72.5 for the U.S. as a whole.

Households

2024 Wealth Index	137
2010 Households	13,428
2020 Households	15,248
2024 Households	15,618
2029 Households	16,024
2010-2020 Annual Rate	1.28%
2020-2024 Annual Rate	0.57%
2024-2029 Annual Rate	0.51%
2024 Average Household Size	2.89

The household count in this area has changed from 15,248 in 2020 to 15,618 in the current year, a change of 0.57% annually. The five-year projection of households is 16,024, a change of 0.51% annually from the current year total. Average household size is currently 2.89, compared to 2.94 in the year 2020. The number of families in the current year is 12,604 in the specified area.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units. The Gini index measures the extent to which the distribution of income or consumption among individuals or households within an economy deviates from a perfectly equal distribution. A Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality.

Source: U.S. Census Bureau. Esri forecasts for 2024 and 2029. Esri converted Census 2010 into 2020 geography and Census 2020 data.

38002 (Arling...

Mortgage Income

2024 Percent of Income for Mortgage	19.7%
-------------------------------------	-------

Median Household Income

2024 Median Household Income	\$117,197
2029 Median Household Income	\$135,978
2024-2029 Annual Rate	3.02%

Average Household Income

2024 Average Household Income	\$142,877
2029 Average Household Income	\$167,768
2024-2029 Annual Rate	3.26%

Per Capita Income

2024 Per Capita Income	\$49,098
2029 Per Capita Income	\$59,030
2024-2029 Annual Rate	3.75%

GINI Index

2024 Gini Index	32.2
-----------------	------

Households by Income

Current median household income is \$117,197 in the area, compared to \$79,068 for all U.S. households. Median household income is projected to be \$135,978 in five years, compared to \$91,442 all U.S. households.

Current average household income is \$142,877 in this area, compared to \$113,185 for all U.S. households. Average household income is projected to be \$167,768 in five years, compared to \$130,581 for all U.S. households.

Current per capita income is \$49,098 in the area, compared to the U.S. per capita income of \$43,829. The per capita income is projected to be \$59,030 in five years, compared to \$51,203 for all U.S. households.

Housing

2024 Housing Affordability Index	121
2010 Total Housing Units	14,073
2010 Owner Occupied Housing Units	11,610
2010 Renter Occupied Housing Units	1,818
2010 Vacant Housing Units	645
2020 Total Housing Units	15,713
2020 Owner Occupied Housing Units	12,637
2020 Renter Occupied Housing Units	2,611
2020 Vacant Housing Units	465
2024 Total Housing Units	16,055
2024 Owner Occupied Housing Units	13,023
2024 Renter Occupied Housing Units	2,595
2024 Vacant Housing Units	437
2029 Total Housing Units	16,419
2029 Owner Occupied Housing Units	13,358
2029 Renter Occupied Housing Units	2,666
2029 Vacant Housing Units	395

Socioeconomic Status Index

2024 Socioeconomic Status Index	61.1
---------------------------------	------

Currently, 81.1% of the 16,055 housing units in the area are owner occupied; 16.2%, renter occupied; and 2.7% are vacant. Currently, in the U.S., 57.9% of the housing units in the area are owner occupied; 32.1% are renter occupied; and 10.0% are vacant. In 2020, there were 15,713 housing units in the area and 3.0% vacant housing units. The annual rate of change in housing units since 2020 is 0.51%. Median home value in the area is \$369,149, compared to a median home value of \$355,577 for the U.S. In five years, median value is projected to change by 3.46% annually to \$437,585.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units. The Gini index measures the extent to which the distribution of income or consumption among individuals or households within an economy deviates from a perfectly equal distribution. A Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality.

Source: U.S. Census Bureau. Esri forecasts for 2024 and 2029. Esri converted Census 2010 into 2020 geography and Census 2020 data.

Executive Summary

9920 Beverle Rivera Dr, Arlington, Tennessee, 38002
 Rings: 1, 2, 4 mile radii

Prepared by Esri
 Latitude: 35.22792
 Longitude: -89.73297

	1 mile	2 miles	4 miles
Population			
2010 Population	3,559	15,249	42,109
2020 Population	3,872	16,985	48,653
2024 Population	4,136	16,990	48,069
2029 Population	4,387	17,089	47,326
2010-2020 Annual Rate	0.85%	1.08%	1.46%
2020-2024 Annual Rate	1.56%	0.01%	-0.28%
2024-2029 Annual Rate	1.19%	0.12%	-0.31%
2020 Male Population	49.2%	48.6%	48.2%
2020 Female Population	50.8%	51.4%	51.8%
2020 Median Age	43.2	39.0	38.4
2024 Male Population	50.1%	49.7%	49.1%
2024 Female Population	49.9%	50.3%	50.9%
2024 Median Age	43.5	40.1	39.3

In the identified area, the current year population is 48,069. In 2020, the Census count in the area was 48,653. The rate of change since 2020 was -0.28% annually. The five-year projection for the population in the area is 47,326 representing a change of -0.31% annually from 2024 to 2029. Currently, the population is 49.1% male and 50.9% female.

Median Age

The median age in this area is 39.3, compared to U.S. median age of 39.3.

Race and Ethnicity

2024 White Alone	72.6%	63.0%	52.5%
2024 Black Alone	9.0%	21.1%	32.4%
2024 American Indian/Alaska Native Alone	0.3%	0.2%	0.2%
2024 Asian Alone	6.5%	4.9%	5.2%
2024 Pacific Islander Alone	0.0%	0.0%	0.0%
2024 Other Race	3.5%	3.3%	3.0%
2024 Two or More Races	8.1%	7.5%	6.6%
2024 Hispanic Origin (Any Race)	7.7%	7.6%	6.7%

Persons of Hispanic origin represent 6.7% of the population in the identified area compared to 19.6% of the U.S. population. Persons of Hispanic Origin may be of any race. The Diversity Index, which measures the probability that two people from the same area will be from different race/ethnic groups, is 66.0 in the identified area, compared to 72.5 for the U.S. as a whole.

Households

2024 Wealth Index	160	131	121
2010 Households	1,335	5,721	15,446
2020 Households	1,442	6,343	17,826
2024 Households	1,552	6,469	17,929
2029 Households	1,697	6,674	18,078
2010-2020 Annual Rate	0.77%	1.04%	1.44%
2020-2024 Annual Rate	1.74%	0.46%	0.14%
2024-2029 Annual Rate	1.80%	0.63%	0.17%
2024 Average Household Size	2.66	2.61	2.65

The household count in this area has changed from 17,826 in 2020 to 17,929 in the current year, a change of 0.14% annually. The five-year projection of households is 18,078, a change of 0.17% annually from the current year total. Average household size is currently 2.65, compared to 2.69 in the year 2020. The number of families in the current year is 13,306 in the specified area.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units. The Gini index measures the extent to which the distribution of income or consumption among individuals or households within an economy deviates from a perfectly equal distribution. A Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality.

Source: U.S. Census Bureau. Esri forecasts for 2024 and 2029. Esri converted Census 2010 into 2020 geography and Census 2020 data.

Executive Summary

9920 Beverle Rivera Dr, Arlington, Tennessee, 38002
 Rings: 1, 2, 4 mile radii

Prepared by Esri
 Latitude: 35.22792
 Longitude: -89.73297

	1 mile	2 miles	4 miles
Mortgage Income			
2024 Percent of Income for Mortgage	22.8%	22.0%	20.7%
Median Household Income			
2024 Median Household Income	\$119,134	\$109,726	\$106,081
2029 Median Household Income	\$134,758	\$124,259	\$121,847
2024-2029 Annual Rate	2.50%	2.52%	2.81%
Average Household Income			
2024 Average Household Income	\$151,132	\$136,546	\$130,715
2029 Average Household Income	\$174,555	\$159,246	\$153,787
2024-2029 Annual Rate	2.92%	3.12%	3.30%
Per Capita Income			
2024 Per Capita Income	\$55,569	\$52,263	\$48,644
2029 Per Capita Income	\$65,942	\$62,526	\$58,608
2024-2029 Annual Rate	3.48%	3.65%	3.80%
GINI Index			
2024 Gini Index	29.5	34.7	34.7

Households by Income

Current median household income is \$106,081 in the area, compared to \$79,068 for all U.S. households. Median household income is projected to be \$121,847 in five years, compared to \$91,442 all U.S. households.

Current average household income is \$130,715 in this area, compared to \$113,185 for all U.S. households. Average household income is projected to be \$153,787 in five years, compared to \$130,581 for all U.S. households.

Current per capita income is \$48,644 in the area, compared to the U.S. per capita income of \$43,829. The per capita income is projected to be \$58,608 in five years, compared to \$51,203 for all U.S. households.

Housing

2024 Housing Affordability Index	104	108	115
2010 Total Housing Units	1,407	5,976	16,353
2010 Owner Occupied Housing Units	1,217	4,367	12,036
2010 Renter Occupied Housing Units	117	1,353	3,410
2010 Vacant Housing Units	72	255	907
2020 Total Housing Units	1,497	6,560	18,454
2020 Owner Occupied Housing Units	1,265	4,427	12,887
2020 Renter Occupied Housing Units	177	1,916	4,939
2020 Vacant Housing Units	52	233	629
2024 Total Housing Units	1,619	6,678	18,505
2024 Owner Occupied Housing Units	1,289	4,510	13,116
2024 Renter Occupied Housing Units	263	1,959	4,813
2024 Vacant Housing Units	67	209	576
2029 Total Housing Units	1,720	6,836	18,686
2029 Owner Occupied Housing Units	1,291	4,562	13,330
2029 Renter Occupied Housing Units	405	2,112	4,748
2029 Vacant Housing Units	23	162	608

Socioeconomic Status Index

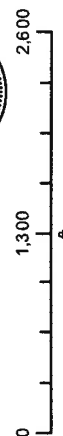
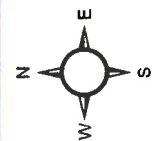
2024 Socioeconomic Status Index	65.1	62.8	59.1
---------------------------------	------	------	------

Currently, 70.9% of the 18,505 housing units in the area are owner occupied; 26.0%, renter occupied; and 3.1% are vacant. Currently, in the U.S., 57.9% of the housing units in the area are owner occupied; 32.1% are renter occupied; and 10.0% are vacant. In 2020, there were 18,454 housing units in the area and 3.4% vacant housing units. The annual rate of change in housing units since 2020 is 0.06%. Median home value in the area is \$351,253, compared to a median home value of \$355,577 for the U.S. In five years, median value is projected to change by 4.72% annually to \$442,421.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units. The Gini index measures the extent to which the distribution of income or consumption among individuals or households within an economy deviates from a perfectly equal distribution. A Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality.

Source: U.S. Census Bureau. Esri forecasts for 2024 and 2029. Esri converted Census 2010 into 2020 geography and Census 2020 data.





**MELVIN BURGESS, ASSESSOR
SHELBY COUNTY, TENNESSEE**

DISCLAIMER: THIS MAP IS FOR PROPERTY ASSESSMENT PURPOSES ONLY. IT IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP AND THEREFORE, SHOULD NOT BE RELIED UPON AS A REPRESENTATION OF ANY PROPERTY FOR ANY PURPOSE.

MAP DATE: December 7, 2024

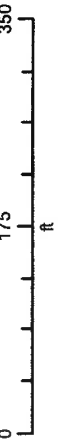
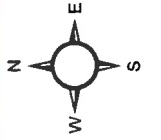




**MELVIN BURGESS, ASSESSOR
SHELBY COUNTY, TENNESSEE**

DISCLAIMER: THIS MAP IS FOR PROPERTY ASSESSMENT PURPOSES ONLY. IT IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP AND THEREFORE, SHOULD NOT BE RELIED UPON AS A REPRESENTATION OF ANY PROPERTY FOR ANY PURPOSE.

MAP DATE: December 7, 2024



		State of Tennessee County of Shelby
		I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$275,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale. <u>Linda Parker</u> Affiant Subscribed and sworn to before me, this the 11th day of <u>April</u>, 2019. <u>James O. Parker</u> Notary Public My commission expires: <u>12/27/2022</u> (AFFIX SEAL)
THIS INSTRUMENT WAS PREPARED BY Griffin, Clift, Everton and Maschmeyer, PLLC .6489 Quail Hollow, Suite 100, Memphis, Tennessee 38120 File No. FF22689		
Address of New Owner(s) as follows: Vipulkumar R. Patel	Send Tax Bills To: Vipulkumar R. Patel	Map-Parcel Numbers L0159 00143
9779 Huff N Puff Road	9779 Huff N Puff Road	
Lakeland, TN 38002-9755	Lakeland, TN 38002-9755	

WARRANTY DEED

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, WE,

Mahesh Bakshi and Puneet Bakshi

HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO

Vipulkumar R. Patel

HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN SHELBY COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Beginning at a point in the northwest line of Huff N Puff Road at the southeast corner of the C & L National Company 3.131 acre tract (Deed Instrument No. R1 5158), said point being 1020.89 feet northeastwardly from the east line of New Canada Road as measured along the northwest line of said Huff N Puff; thence run north 40 degrees 19 minutes west along the northeast line of said 3.131 acre tract a distance of 302.63 feet to the northeast corner of said tract; thence run north 49 degrees 41 minutes east 180.0 feet to a point; thence run north 40 degrees 19 minutes east a distance of 300.61 feet to a point in the northwest line of said Huff N Puff Road; thence run south 49 degrees 02 minutes 30 seconds west along said line 180.01 feet to the point of beginning.

Being the same property conveyed to Grantors in Quit Claim Deed of record at Instrument Number 08036464, in the Register's Office of Shelby County, Tennessee.

This conveyance is subject to 2019 City of Lakeland taxes and 2019 Shelby County taxes, liens not yet due which Grantee hereby agrees to assume and pay.

This is improved () Unimproved (xx) property, known as 0 Huff N Puff Road, Lakeland, TN 38002

This instrument is being re-recorded to correct the address of the property which was originally erroneously stated and to add the source of the legal description.

		State of Tennessee County of Shelby
		I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$100,000.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale. <i>Linda Parker</i> Affiant
		Subscribed and sworn to before me, this the 11th day of April, 2019. <i>James O. Parker</i> Notary Public
		My commission expires: <u>12/27/2022</u> (AFFIX SEAL)
THIS INSTRUMENT WAS PREPARED BY Griffin, Clift, Everton and Maschmeyer, PLLC 6489 Quail Hollow, Suite 100, Memphis, Tennessee 38120 File No. FF20951		
Address of New Owner(s) as follows: Vipulkumar R. Patel	Send Tax Bills To: Vipulkumar R. Patel	Map-Parcel Numbers L0159 00493
9779 Huff N Puff Road	9779 Huff N Puff Road	
Lakeland, TN 38002-9755	Lakeland, TN 38002-9755	

WARRANTY DEED

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, WE,

Mahesh Bakshi and wife, Renu Bakshi

HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO

Vipulkumar R. Patel

HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN SHELBY COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Commencing at the intersection of the northerly right of way line of Federal Interstate Highway 40 (uncontrolled access - 175 to centerline) and the present northerly right of way line of Seed Tick Road (50 feet wide); thence north 86 degrees 20 minutes 23 seconds west along the said northeasterly line of Seed Tick Road - 199.17 feet to a point of curve to the left having a radius of 448.88 feet; thence westwardly and southwestwardly along said curve and along said northerly line of Seed Tick Road an arc distance of 305.35 feet (Central Angle = 38 degrees 58 minutes 32 seconds - chord = south 74 degrees 10 minutes 21 seconds west 299.50 feet) to a set iron pin at an angle point in said northerly line of Seed Tick Road; thence north 35 degrees 18 minutes 53 seconds west - 2.50 feet to a found iron pin in said northerly line of Seed Tick Road (55 feet wide); thence south 54 degrees 41 minutes 07 seconds west (continuing along said northerly line of Seed Tick Road) - 44.00 feet to a found iron pin, being the southeasterly corner of the Purti Bapa, Inc. property (Instrument Number BG-7717, Shelby County Register's Office); thence north 34 degrees 39 minutes 57 seconds west along the easterly line of said Purti Bapa, Inc. Property - 134.31 feet to a found iron pin, being an interior corner of said Winward Slopes, LLC Property and said iron pin being the true point of beginning of this description; thence north 34 degrees 40 minutes 24 seconds west (continuing along said easterly line of Purti Bapa, Inc. property) - 152.52 feet to the southerly line of proposed relocated Seed Tick

Road (proposed 68 feet wide); thence north 71 degrees 10 minutes 28 seconds east along said proposed southerly line of Seed Tick Road – 176.13 feet to the easterly line of the Belz Investco, L.P. Property (Instrument Number T3-9228, Shelby County Register's Office); thence south 03 degrees 18 minutes 00 seconds west along said easterly line – 186.57 feet to an interior corner of said Belz Investco L.P. property; thence north 86 degrees 42 minutes 13 seconds west along an exterior line of said Belz Investco L.P. property – 69.32 feet to the Point of Beginning, containing 19,388 square feet or 0.445 acres. The legal description was prepared by the Pickering Firm, Inc. 1750 Madison Ave., Ste 500, Memphis, TN 38104. Being the same property conveyed to Grantors in Quit Claim Deed of record at Instrument Number JU 7273 as corrected by Scrivener's Affidavit of record at Instrument Number 1903 5914, in the Register's Office of Shelby County, Tennessee.

This conveyance is subject to 2019 City of Lakeland taxes and 2019 Shelby County taxes, liens not yet due which Grantee hereby agrees to assume and pay.

This is improved () Unimproved (xx) property, known as 9920 Beverle Rivera Drive
Lakeland, TN 38002

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, the GRANTORS do hereby covenant with the GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title and quiet possession to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness my/our hand(s) this 11th day of April, 2019.

Mahesh Bakshi
Mahesh Bakshi

Renu Bakshi
Renu Bakshi

**STATE OF TENNESSEE
COUNTY OF SHELBY**

Before me, the undersigned, a Notary Public of said County and State, personally appeared **Mahesh Bakshi and Renu Bakshi**, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he/she executed the within instrument for the purposes therein contained.

Witness my hand, at office, this 11th day of April, 2019.

Glenn D. Everton
Notary Public

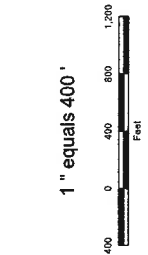
My Commission Expires: 12/3/20





MELVIN BURGESS,
ASSESSOR
SHELBY COUNTY,
TENNESSEE

DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE MAP IS NOT A SUBSTITUTE FOR A SURVEY. THE MAP IS NOT A REPRESENTATION OF ANY PROPERTY FOR ANY PURPOSE.

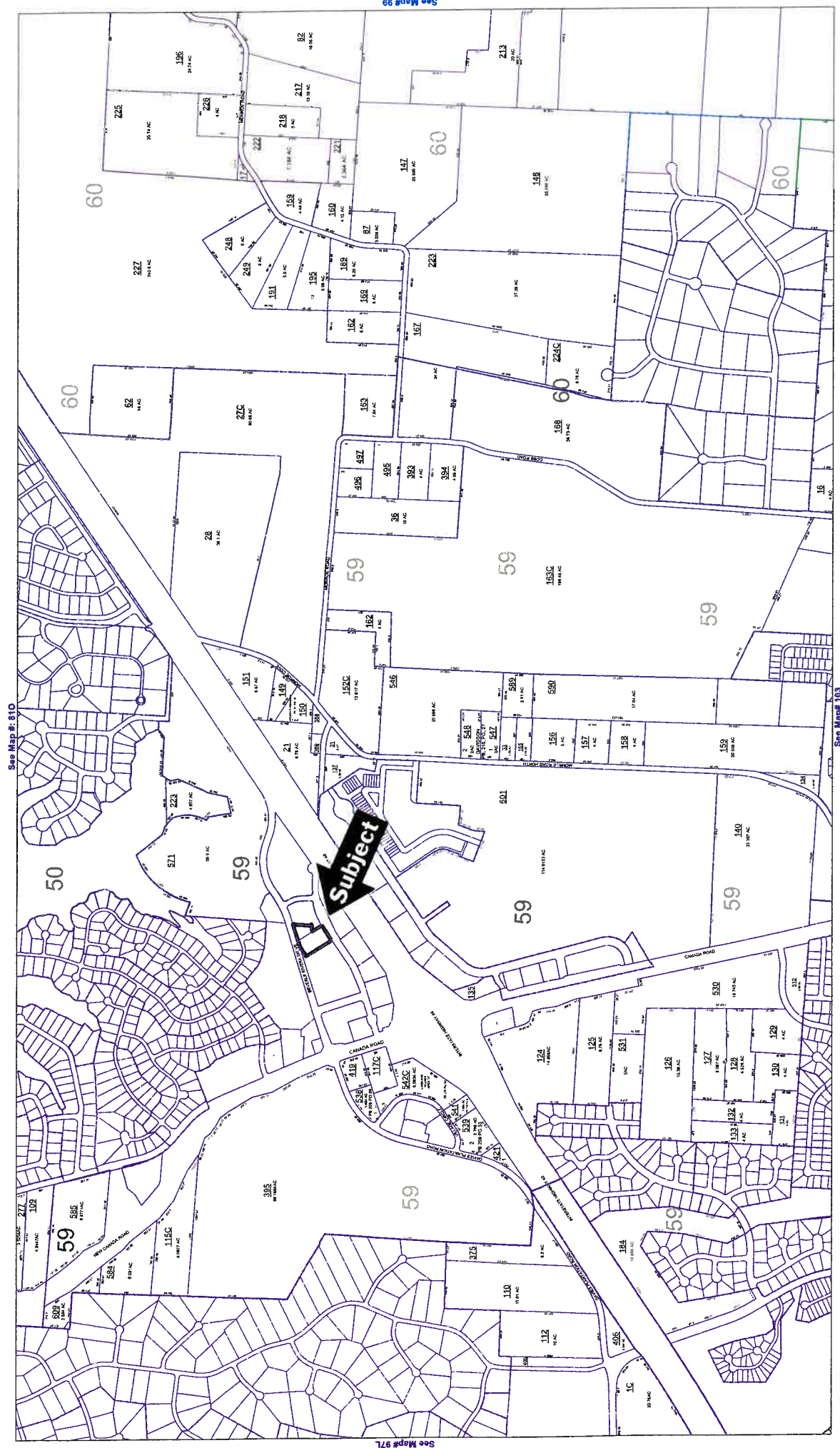


- LEGEND**
- PARCEL NUMBER
 - DEED ACREAGE
 - CALCULATED ACREAGE
 - DEED PLAT DIMENSION
 - SCALED DIMENSION
 - SUBDIVISION NAME
 - SUBDIVISION LOT NUMBER
 - SUBDIVISION ALPHA
 - BLOCK NUMBER
 - PARCEL LINE
 - RAILROAD R.O.W.
 - CEMETARY

- CORPORATE LIMIT
- WARD/DISTRICT
- BLOCK
- SUBDIV. ALPHA BOUNDARY
- WATER BODIES

82K 82L 81I	81P810 81N81M	80
97C 97D 98A 98B 98C	98H 98I 98J 98K 98L	99
97F 97E 98H	98M 98N 98O 98P 98Q 98R	100
97M 97N 98P 98Q 98R 98S	98T 98U 98V 98W 98X 98Y	101
104E 104F	103E 103F 103G 103H	102

SCALE: 1" = 400'	DATE OF MAP: April 1, 2024	MAP NO
PHOTO DATE: March 2023	TN STATE PLANS(4100)	98
COMPILED: JUNE 2001	MAD 5399 NAVD 88	
WARD/DISTRICT: 50, 51, 52, 53	CITY: DARTMOUTH	

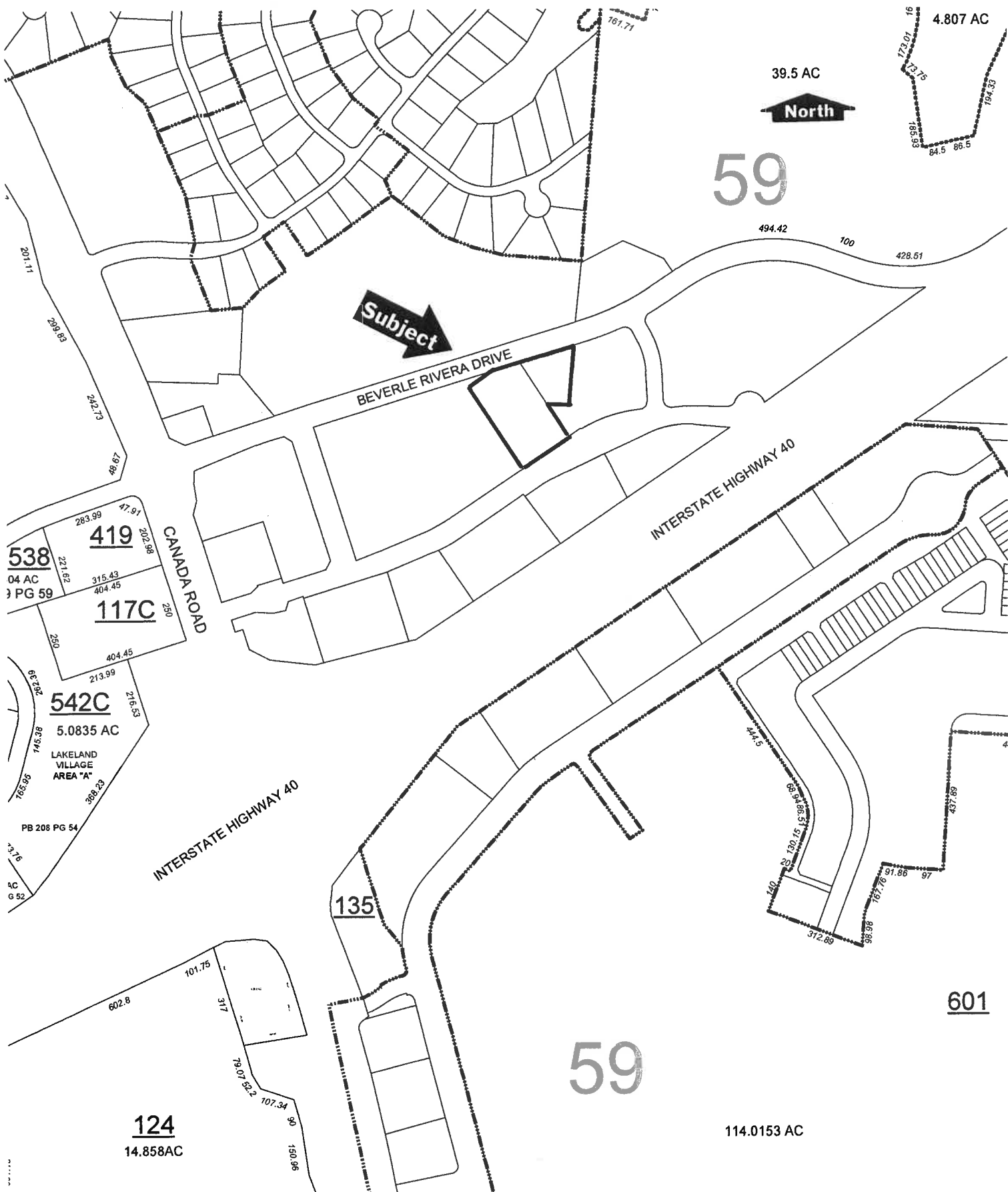


See Map # 810

See Map # 103

See Map # 99

See Map # 97L





Typical street scene – looking west along Beverle Rivera Drive –
subject property on left – photo taken at east end of site



Typical street scene – looking west along Beverle Rivera Drive –
subject property on left – photo taken near middle of site



Typical street scene – looking east along Beverle Rivera Drive –
subject property on right – photo taken near middle of site



Typical street scene – looking east along Beverle Rivera Drive –
subject property on right – photo taken at west end of site

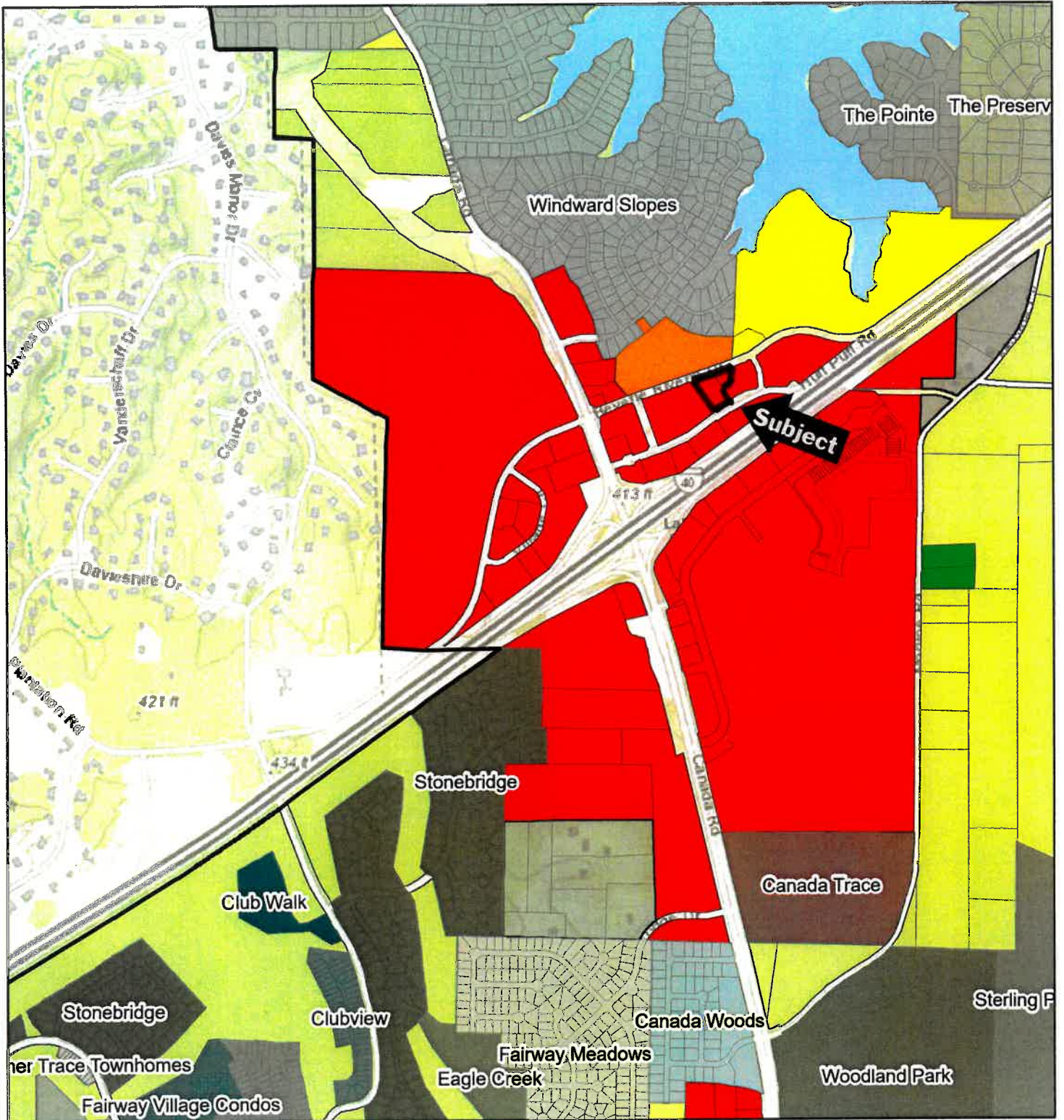


Typical street scene – looking east along Huff n Puff Road –
subject property on left



Typical street scene – looking west along Huff n Puff Road –
subject property on right

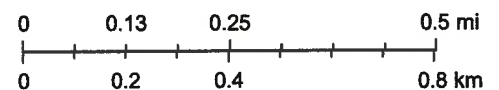
ArcGIS Web Map



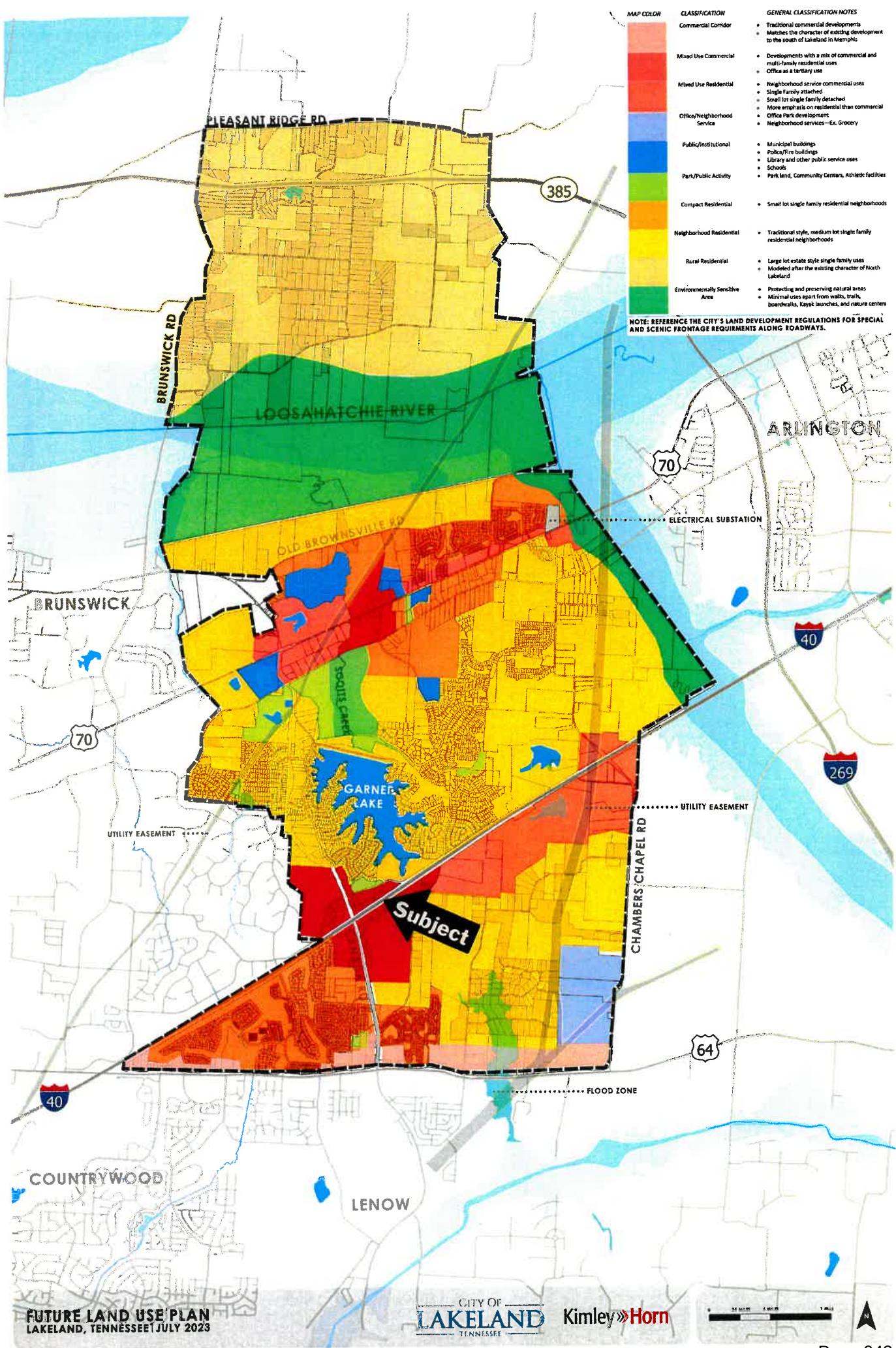
12/7/2024, 10:14:18 AM

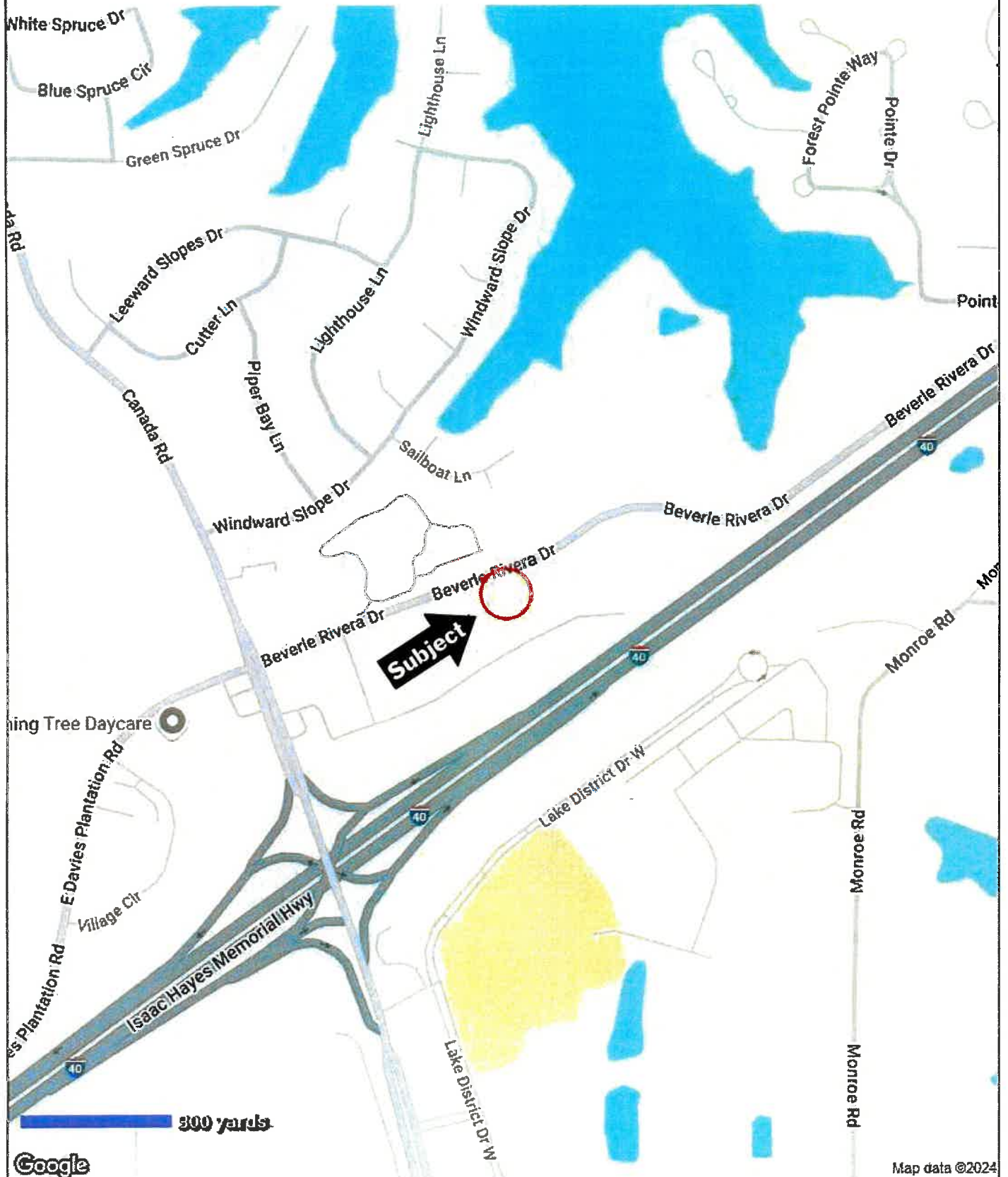
1:18,056

- | | | |
|---|---|--|
| Residential Development
<ul style="list-style-type: none"> Stonebridge Canada Trace Canada Woods Club Walk Clubview Eagle Creek East Shores Fairway Meadows Fairway Village Condos Fletcher Trace Townhomes Herons Ridge | <ul style="list-style-type: none"> Lakeland Estates Long Landing Plantation Fairways Plantation Hills Somerset at Lakeland Sterling Place The Pointe The Preserve Windward Slopes Woodland Park | <ul style="list-style-type: none"> Parcel Zoning District AG: Agriculture C-2: Regional Commercial R-1 (PRD): Planned Low Density Residential R-2 (PRD): Planned Medium Density Residential R-2A: Alternate Medium Density Residential R1: Suburban Estate R2: Suburban Manor RE: Exurban RM2: Multifamily |
|---|---|--|



Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA





MAP DATA

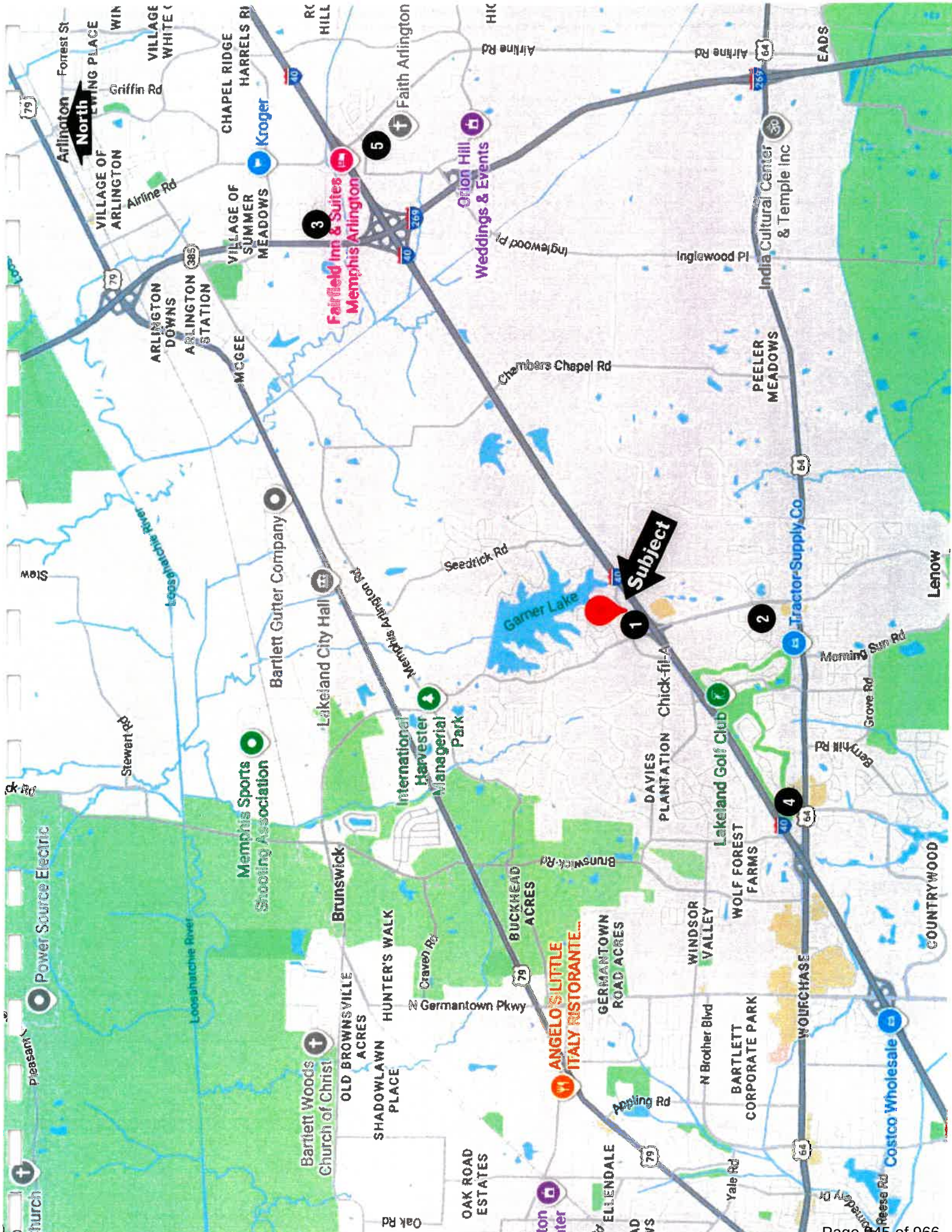
FEMA Special Flood Hazard Area: No
Map Number: 47157C0330G
Zone: X
Map Date: February 06, 2013
FIPS: 47157

MAP LEGEND

- | | |
|--------------------------------------|-----------------|
| Areas inundated by 500-year flooding | Protected Areas |
| Areas inundated by 100-year flooding | Floodway |
| Velocity Hazard | Subject Area |

Map data ©2024

Powered by CoreLogic®



Meeting Cycle: Thursday, January 16, 2025

Subject: **Resolution** - authorizing the City Manager and City Attorney to execute a Memorandum of Understanding (MOU) between the City of Lakeland and the Shelby County Sheriff's Office.

Staff Contact: Michael Walker, City Manager

STAFF RECOMMENDATION

BUDGET IMPACT

There is no budgetary impact related to this item.

DISCUSSION

As a follow up to a recent conference call with THP, SCSO, Lakeland, and Arlington, attached please find a copy of an updated MOU between the City of Lakeland and the Shelby County Sheriff's Office related to the Flock Safety Cameras that the City of Lakeland contracted for directly with Flock Safety. In short, THP requested that we update our MOU to account for recent policy changes by SCSO in conformance with updated legislation. Nothing in the attached MOU substantively changes the existing arrangement whereby Lakeland pays the fees associated with the Lakeland cameras and SCSO is the sole authorized user – we're simply acknowledging the updated policies while also trying to draft the MOU in such a way to account for future policy changes without the need to updated the MOU each time a policy is updated.

RESOLUTION R-12-2025

AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF LAKELAND AND THE SHELBY COUNTY SHERIFF'S OFFICE

- WHEREAS,** the Board of Commissioners for the City of Lakeland, Tennessee (the “Board”) authorized an agreement for the City of Lakeland, Tennessee (the “City”) to order twenty (20) Flock Safety security cameras on November 14, 2019, pursuant to Resolution 2019/11-07; and
- WHEREAS,** the Board authorized the City to order ten (10) additional cameras on March 10, 2022, pursuant to Resolution R-20-2022, which renewed with Resolution R-117-2023; and
- WHEREAS,** the Board authorized the City to enter into a 5-year agreement for a total of forty (40) cameras at an annual rate of two thousand five hundred dollars (\$2,500) per camera pursuant to Resolution R-158-2023; and
- WHEREAS,** the City desires to assist the Shelby County Sheriff’s Office (the “Sheriff’s Office”) as it works to prevent, deter, and investigate criminal activity within the City’s municipal boundaries; and
- WHEREAS,** the City desires to enter into a Memorandum of Understanding attached hereto as Exhibit A to give full access and sole control of said cameras and the corresponding data to the Sheriff’s Office; and
- WHEREAS,** the City shall be solely responsible for any and all fees due under its agreement with Flock, or any other vendor should the City choose to change vendors; and
- WHEREAS,** the City and the Sheriff’s Office mutually agree to fully comply with the applicable regulations under T.C.A. § 55-1-101 et. seq. and the Shelby County Sheriff’s Office Standard Operating Procedures; and
- WHEREAS,** the Board believes it is in the best interest of the City and its residents to execute the attached Memorandum of Understanding:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager and City Attorney are authorized to execute a Memorandum of Understanding between the City of Lakeland and The Shelby County Sheriff’s Office regarding Flock Safety cameras in the City of Lakeland, Tennessee.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee this 16th day of January 2025, the public welfare requiring it.

RESOLUTION R-12-2025

AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE A
MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF LAKELAND
AND THE SHELBY COUNTY SHERIFF'S OFFICE

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF LAKELAND AND THE SHELBY COUNTY SHERIFF’S OFFICE**

This Memorandum of Understanding dated this _____ day of January, 2025, is by and between the City of Lakeland, Tennessee (the “City”) and the Shelby County Sheriff’s Office (the “Sheriff’s Office”).

WHEREAS, the City is a Tennessee municipal corporation; and

WHEREAS, the City desires to assist the Sheriff’s Office as it works to prevent, deter, and investigate criminal activity within the City’s municipal boundaries; and

WHEREAS, in 2019, the City contracted with Flock Group Inc. (“Company”) to rent twenty (20) Company security cameras; and

WHEREAS, the Board of Commissioners of Lakeland, Tennessee approved, pursuant to Resolution R-158-2023, the authority for the City to enter into a five-year agreement with the Company for a current total of forty (40) Company cameras; and

WHEREAS, under the City’s agreement with the Company, the City has all right, title and interest in the data, media, content, and footage arising out of the operation of the Company cameras; and

WHEREAS, the City and the Sheriff’s Office desire for the Sheriff’s Office to have access and to use the Company cameras as the Authorized End User under the agreement between the City and the Company; and

WHEREAS, the City desires to give to the Sheriff’s Office the full control and sole access to the Company cameras, data, media, content, and footage; and

WHEREAS, the City desires to be financially responsible for any fees or payments to the Company arising out of the agreement between the City and the Company.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the sufficiency of which is hereby confirmed, the parties do covenant and agree as follows:

1. **Compliance with State and Local Regulations.** The City and Sheriff's Office mutually agree to fully comply with the rules and regulations set forth in Tennessee Code Annotated Sections 55-1-101 *et. seq.* including, but not limited to, data privacy and storage regulations. For example, any captured plate data collected or retained by the Sheriff's Office through the use of the cameras may not be stored for more than ninety (90) days unless the data is retained or stored as part of an ongoing investigation, and in that case, the data shall be destroyed at the conclusion of either: (1) an investigation that does not result in any criminal charges being filed; or (2) any criminal action undertaken in the matter involving the captured plate data.
2. **Compliance with Shelby County Policies.** The City and Sheriff's Office mutually agree to fully comply with the applicable policies set forth in Shelby County Sheriff's Office Standard Operating Procedure including, but not limited to, those policies governing data privacy, storage policies, management of the data, and standards relating to the proper use and application of the cameras.
3. **Sole Access to all Customer Data Arising Out of the Agreement between the City and the Company.** The City and Sheriff's Office mutually agree that appropriate personnel at the Sheriff's Office are the only individuals that will have direct access or login information which provides access to the Customer Data as defined in the agreement between the City and the Company. The City and Sheriff's Office further agree that no one from the City shall be deemed an Authorized End User as defined in the agreement between the City and the Company. The City and Sheriff's Office agree that only Sheriff's Office employees,

agents, or contractors shall be Authorized End Users. Nothing herein shall prevent or limit the Sheriff's Office's authority to share Customer Data with other law enforcement agencies as needed for criminal investigations.

- 4. Payment of Fees Under the Company Agreement.** Under the agreement between the City and the Company, the City is entering into a 5-year agreement for forty (40) cameras. The City and Sheriff's Office agree that the City shall be solely responsible for any and all fees due under said agreement. The City shall also be solely responsible for all costs, if any, associated with the operation of the Company cameras. Nothing contained herein shall limit the City's authority to alter, amend, or terminate the agreement between the City and the Company. In the event the City alters, amends, or terminates said agreement, the City agrees to promptly notify the Sheriff's Office. In the event the City alters or amends said agreement to install additional cameras or remove one or more of the forty (40) cameras, this Memorandum of Understanding shall continue and shall encompass all of the cameras then in service under the agreement between the City and the Company. In the event that the City terminates its agreement with Company and enters into another agreement with any new vendor or company for similar services as the current agreement between the City and the Company, this Memorandum of Understanding shall continue according to the terms set forth herein. Neither the City nor the Sheriff's Office shall be required to make any monetary payment to the other party in connection with this Agreement.
- 5. Location of the Company Cameras.** The Sheriff's Office shall have discretion as to the precise location of the cameras. The City agrees to assist the Sheriff's Office in determining if a given location is located within any public right of way or easement. The Sheriff's Office agrees to locate the cameras outside of any public right of way or easement

whenever possible. The Sheriff's Office and City agree that any and all cameras leased by the City shall only be located within the City's municipal boundaries.

6. **Term of this Memorandum of Understanding.** The term of this Memorandum of Understanding shall commence on the date above and shall continue until such time as the City begins to self-service the cameras in a similar or same manner as the Sheriff's Office. Further, this Memorandum of Understanding shall not be affected by the Company selling, transferring, or assigning any of its rights under the agreement with the Company.

7. **General Provisions.**

- a. This Memorandum of Understanding is complete and contains the entire understanding between the parties relating to the subject matter contained herein.
- b. The parties may only amend or terminate this Memorandum of Understanding in writing signed by both parties.
- c. The parties agree to operate in good faith to implement the objective of this Memorandum of Understanding.
- d. This Memorandum of Understanding shall be governed by and construed in accordance with the laws of the State of Tennessee.

IN WITNESS WHEREOF, the City of Lakeland, Tennessee and the Shelby County Sheriff's Office have executed this Memorandum of Understanding as the first day above written.

CITY OF LAKELAND, TENNESSEE

Josh Roman, *Mayor*
Lakeland, Tennessee

SHELBY COUNTY SHERIFF'S OFFICE

Floyd Bonner, Jr., *Sheriff*
Shelby County Sheriff's Office



Board of Commissioners

Meeting Cycle: Thursday, January 16, 2025

Subject: **Discussion and Possible Action** - regarding detailed budget transfer entries. *Sponsored by Commissioner McCarter*

Staff Contact:

STAFF RECOMMENDATION

BUDGET IMPACT

DISCUSSION



SHELBY COUNTY DIVISION
OF COMMUNITY SERVICES

DISTRICT CONNECTOR PROGRAM

CONNECTING COMMUNITIES,
BUILDING RESOURCES.



DIVISIONS UNDER THE SHELBY COUNTY MAYOR

ADMINISTRATION & FINANCE:

- Manages county finances, budget, and procurement.

COMMUNITY SERVICES:

- Provides social services and community support.

CORRECTIONS:

- Manages the county jail and rehabilitation programs.

COUNTY ATTORNEY:

- Provides legal counsel and represents the county in legal matters.

HEALTH DEPARTMENT:

- Oversees public health services and initiatives.

INFORMATION TECHNOLOGY SERVICES:

- Manages technology infrastructure and services.

PLANNING & DEVELOPMENT:

- Oversees land use, zoning, and growth planning.

PUBLIC DEFENDER:

- Provides legal defense services to indigent individuals.

PUBLIC WORKS:

- Manages roads, waste, and infrastructure projects.

JURY COMMISSION:

- Oversees jury selection and management.



The Division of Community Services fosters a vibrant community where all residents are connected, supported, safe and well.

Our dedicated team helps individuals and families at all stages of life navigate social, economic, and justice-related challenges by providing and connecting essential services and resources that promote their overall well-being.



Director
Sandy
Bromley



DISTRICT CONNECTOR PROGRAM OVERVIEW

The District Connector Program is a three-year initiative by the Shelby County Division of Community Services, designed to embed dedicated staff—District Connectors—within each of Shelby County's 13 districts. This program aims to directly support communities by:

- Connecting residents to vital resources
- Identifying district assets and needs
- Improving decision-making and funding through community input





MEET THE TEAM

OUR TEAM



ARRIELL



KRISTOPHER



RACHEL



NAKIA



GLEN



JASMINE



KEENAN



DR. NICOLE



AUSTIN



SHANNA



DR. EARLE



CHEYENNE



MIREYA



TIFFANY



KATHRYN



ORIGINS The program was established through a resolution passed on August 28, 2023 (the team began February 1, 2024), with oversight by the Division of Community Services. Funded by the opioid settlement anticipated over several years, **this initiative aims to identify the root causes** of addiction, trauma, and poverty in each district and **address community disconnection** through localized planning and resource connection.

PROGRAM FOCUS:

The District Connector Program addresses Social Determinants/Drivers of Health in our communities. **Social determinants of health (SDOH) are non-medical factors that impact health outcomes.** They include the conditions in which people are born, grow, work, live, and age. SDOH also includes the broader forces and systems that shape everyday life conditions.

The five domains targeted are:

- Economic Stability
- Education Access and Quality
- Health Care Access and Quality
- Neighborhood and Built Environment
- Social and Community Context

KEY PROGRAM ACTIVITIES

The District Connector Program focuses on several core activities:

- **Convening community members and stakeholders**
 - Solution-oriented community conversations with residents
 - Educational lunch & learns with networking and collaboration for stakeholders
- **Creating shared district resource maps and directories - coming soon**
 - Online directory for resources - over 2,000 have been identified to date
- **Developing action plans**
 - County-wide community survey to map challenges and assets
- **Generating a data dashboard for tracking progress and results - coming soon**
- **Key partners**
 - Local government divisions and agencies, chambers, schools, healthcare organizations, and our very own non-profit committee
- **Fostering narrative shifts - Rep Your District Media Campaign**

HOW COMMUNITY PARTNERS CAN GET INVOLVED

Community partners play a critical role in collaborating with the District Connector Program. Here are ways to get involved include:

- Becoming a directory partner to expand resources for residents
- Hosting (space) or supporting community conversations and lunch & learns
- Referring organizations for partnership
- Joining our newsletter and share your information there



SHELBY COUNTY DIVISION
OF COMMUNITY SERVICES

DISTRICT CONNECTOR PROGRAM SHAPE SHELBY LUNCH & LEARN



EAST SHELBY COUNTY STAKEHOLDERS

RSVP TODAY

CREATING SOLUTIONS FOR: Substance Use
With David Fuller, Overdose Prevention Trainer

Wednesday, February 5, 2024 | Lakeland, TN



901-222-2095



Connect@shelbycountyttn.gov



LET'S THRIVE, TOGETHER.



Scan this QR code to visit our website and take our survey!

For further information, updates, or partnership opportunities:



901-222-2095



Connect@ShelbyCountyTN.gov



www.ShelbyCountyTN.gov/Connect