



Board of Commissioners
Regular Meeting Agenda
Thursday, February 6, 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** - adopting updated Land Development Regulations (LDR) for the City of Lakeland, Tennessee.
Recommended by the Municipal Planning Commission
- VI. TREASURER'S REPORT:
- VII. REPORTS FROM COMMITTEES, MEMBERS OF THE BOARD OF COMMISSIONERS & OTHER OFFICERS:
 1. City Manager's Report
 - a. February 2025
 2. Commissioners' Reports
 - a. Industrial Development Board - *Commissioner Johnston*
 3. Mayor's Report
 - a. Proclamation establishing Lakeland's Arbor Day 2025
- VIII. PUBLIC COMMENTS:
- IX. SEWERAGE COMMISSION BUSINESS:
- X. CONSENT AGENDA:
- XI. REGULAR AGENDA:

1. **Approval of previous meeting minutes** - January 16, 2025
2. **Ordinance - Second and Final Reading** - adopting updated Land Development Regulations (LDR) for the City of Lakeland, Tennessee. *Recommended by the Municipal Planning Commission*
3. **Resolution** - approving an agreement with Wagner General Contractors, Inc. for the Fiscal Year 2025 ("FY25") Adagio Lane Improvements Project.
4. **Resolution** - approving an agreement with Gibson Paving, Inc. for the Fiscal Year 2025 ("FY25") Street Paving Project.
5. **Resolution** - approving a professional service agreement with Smith Seckman Reid, Inc. for the design of Scott's Creek Greenway project.
6. **Resolution** - amending the agreement with Tennessee Soccer Academy to include competitive soccer.
7. **Resolution** - approving an independent contractor agreement with United States Tennis Association (USTA) of Tennessee for a youth tennis program.
8. **Resolution** - authorizing the Mayor to execute a Financial Obligation Agreement between The City of Lakeland and The Industrial Development Board of The City of Lakeland, Tennessee.
9. **Discussion and Resolution** - Board of Commissioners priorities for the fiscal year 2026 annual budget, and approving the strategic goals of the Board of Commissioners of the City of Lakeland, Tennessee.
10. **Discussion and Possible Action** - regarding meeting decorum. *Sponsored by Mayor Roman*

XII. ANNOUNCEMENTS:

XIII. ADJOURNMENT:



OFFICIAL PROCLAMATION

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

WHEREAS Arbor Day is now observed throughout the nation and the world, *and*

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, *and*

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, *and*

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, *and*

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Josh Roman, Mayor of the City of Lakeland, Tennessee, do hereby proclaim March 15, 2025 as **ARBOR DAY** In the City of Lakeland, Tennessee, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, *and*

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS 6TH day of February, 2025

Mayor _____



Board of Commissioners
Regular Meeting Minutes
Thursday, January 16, 2025, 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, January 16, 2025.

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
Commissioner Derek Johnston	Present
Mayor Josh Roman	Present

Staff personnel in attendance were City Manager Michael Walker, City Attorney Chris Patterson, City Engineer Emily Harrell, Planning Director Paul Luker, Parks and Recreation Director Andrew Fisher, Staff Engineer Luis Camarillo Hernandez, Staff Engineer Paul Posey, and City Recorder Cheyenne Carter.

V. PUBLIC HEARING:

1. **Ordinance - Second and Final Reading** - approving the application to rename the Lakeland Athletic Complex to the Brody Townsend Athletic Complex.

None.

VI. TREASURER'S REPORT:

1. December 2024 Treasurer's Report
This report was offered by Finance Director Sue Matthews.

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

1. Sheriff's Report

a. December Lakeland Crime Report

This report was offered by City Manager Michael Walker at the end of the regular agenda due to the absence of presence of a Shelby County Sheriff's Office representative.

2. City Manager's Report

a. January 2025 City Manager's Report

This report was offered by City Manager Michael Walker.

3. Commissioners' Reports

a. Community Advisory Board - *Vice Mayor Dial*

This report was offered by Vice Mayor Dial.

b. Parks and Recreation/Natural Resources Board - *Vice Mayor Dial*

This report was offered by Vice Mayor Dial.

c. Municipal Planning/Design Review Commission - *Commissioner Atkinson*

This report was offered by Commissioner Atkinson.

d. Industrial Development Board - *Commissioner Johnston*

This report was offered by Commissioner Johnston.

VIII. PUBLIC COMMENTS:

None.

IX. SEWERAGE COMMISSION BUSINESS:

None.

X. CONSENT AGENDA:

None.

XI. REGULAR AGENDA:

Mayor Roman motioned to bring regular item number 20 to the agenda.

When the question was called the motion to add regular agenda item number 20 to the agenda 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

1. **Approval of previous meeting minutes** - December 5, 2024

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

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. **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*

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

Parks and Recreation Director Andrew Fisher presented this item.

Discussion ensued.

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

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

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

Planning Director Paul Luker presented this item.

Discussion ensued.

When the question was called the first 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

Mayor Roman motioned to have a 5 minute recess. No objections were heard. The meeting resumed at 6:02pm.

4. **Resolution** - amending the calendar year 2025 meeting calendar.

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

City Recorder Cheyenne Carter 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).

Mayor Roman motioned to move regular agenda items 10, 15 and 19 to this portion of the agenda. No objections were heard. Please note reordering below.

10. **Resolution** - approving Amendment #2 to the master services agreement with Allen & Hoshall, Inc. for the design of the Oliver Creek Sewer Interceptor Project.

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

City Engineer Emily Harrell presented this item.

Discussion ensued.

Harry Pratt from Allen & Hoshall Inc presented information to the board at the board's request.

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 the submission of an application for the Local Parks and Recreation Fund 2025 grant cycle from the Tennessee Department of Environment and Conservation.

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

Parks and Recreation Director Andrew Fisher presented this item.

Discussion ensued.

Michael Shelton from Kimley Horn presented additional information to the board at the board's request.

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

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*

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

Commissioner McCarter presented this item.

Division Director Sandy Bromley presented a presentation to the board members.

District Connector Manager Arriell Gipson Martin continued the presentation to the board members.

District Connector Program Coordinator Glen Mullin continued the presentation to the board members.

Discussion ensued.

No action was taken at this time.

5. **Resolution** - adopting the fiscal year 2026 annual budget preparation calendar.

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

Finance Director Sue Matthews presented this item.

Discussion ensued.

Mayor Roman motioned to amend the February 4 date to February 6. No objections were heard.

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

Discussion ensued.

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

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.

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

Mayor Roman motioned to table this item to the next regular meeting on February 6, 2025. No objections were heard.

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

7. **Resolution** - approving Change Order #3 to the Chambers Chapel Drainage Improvements Project.

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

Staff Engineer Paul Posey presented this item.

Discussion ensued.

Commissioner McCarter motioned to table this item, no second was presented. The motion to table failed.

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

8. **Resolution** - approving an agreement with ABES Contracting, LLC for the Fiscal Year 2025 Concrete Project.

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.

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

9. **Resolution** - approving an agreement with Wagner General Contractors, Inc. for the Fiscal Year 2025 (FY25) Adagio Lane Improvements Project.

Mayor Roman 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 table this to the next regular meeting on February 6, 2025. No objections were heard.

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

11. **Resolution** - approving a professional services agreement with 4FDesign, P.C. for the design of the Lakeland Community Center Aquatics Center.

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

City Engineer Emily Harrell presented this item.

Discussion ensued.

Mayor Roman motioned to bring this item to the Parks and Recreation board at their next regular meeting on March 11, 2025. No objections were heard.

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.

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

City Engineer Emily Harrell 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).

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.

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

City Engineer Emily Harrell 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).

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.

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

Staff Engineer Paul Posey 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

16. **Resolution** - authorizing the City Attorney to file and pursue condemnation proceedings concerning parcel nos. L0159 00143 and L0159 00493. *Sponsored by Mayor Roman*

Mayor Roman 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, 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

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.

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

City Manager Michael Walker presented this item.

Discussion ensued.

Mayor Roman motioned to amend the resolution title to change the execution names from "City Manager and City Attorney" to state "the Mayor". The amendment also includes changing the execution names in the Now Therefore Be It Resolved from "City Manager and City Attorney" to state "the Mayor" seconded by Commissioner Atkinson. No objections were heard.

Discussion ensued.

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

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

18. **Discussion and Possible Action** - regarding detailed budget transfer

entries. *Sponsored by Commissioner McCarter*

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

Commissioner McCarter presented this item.

Discussion ensued.

Commissioner McCarter motioned to have a detailed report of budget transfers. No second was provided. Motion failed.

No action was taken at this time.

20. **Resolution** - authorizing the City Manager to approve additional funding to Lakeland School System for sound system upgrades to the football field at Lakeland Preparatory School and authorizing the City Attorney to prepare a Memorandum of Understanding Addendum to be executed by the City Manager. *(added from the floor)*

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

XII. ANNOUNCEMENTS:

1. Vice Mayor Dial announced the service details for Volunteer Steve Snow.

XIII. ADJOURNMENT:

There being no other business on which to act, the meeting was adjourned without objection at 7:30pm on Thursday, January 16, 2025.

These minutes were approved on February 6, 2025.

Josh Roman
Mayor

ATTEST:

Cheyenne Carter
City Recorder



Board of Commissioners

Meeting Cycle: Thursday, February 6, 2025

Subject: **Ordinance - Second and Final 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.

ORDINANCE O-1-2025

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

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CITY OF LAKELAND, TENNESSEE

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1.1

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.

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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.



1.2

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

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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.



1.3

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

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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.						

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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

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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 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 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 I.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 I.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 I.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 I.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 1.4.7.4 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 11.2.3 Accessory Uses and Structures.*
 - (3) Development that qualifies for Minor Site Plan Review (refer to *Section 1.4.6.1 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 11.4.1 Wireless Transmission Facilities.*
 4. Exceptions to *Section 1.8 Nonconformance* as detailed in *Section 1.8.6 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 1.4.2 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 1.4.5.2 Subdivision Modification* and/or *Section 1.4.7.3 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

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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*.

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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.

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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

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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.

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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.

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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.

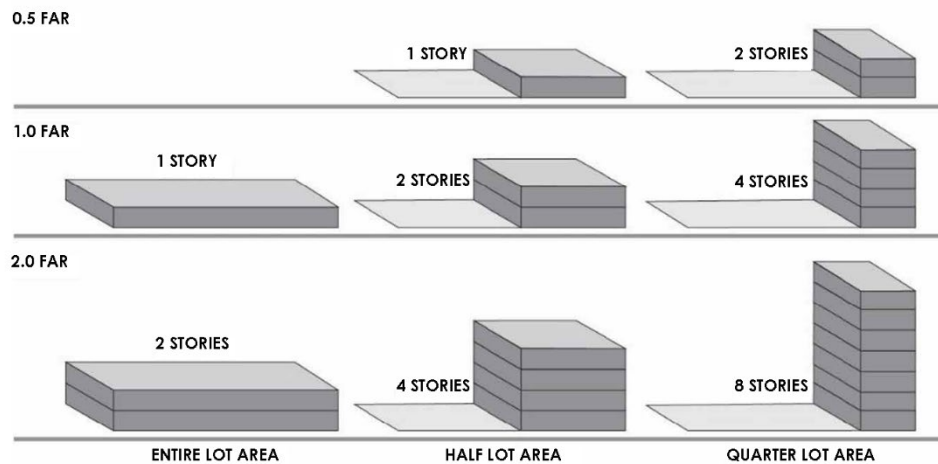
1. All residential densities denoted in the adopted Comprehensive Plan are not guaranteed by right. The appropriate allocation of density shall encourage sustainable development.
2. Subdivision, zoning, and site plan review criteria and procedures shall assure that density is consistent with established 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



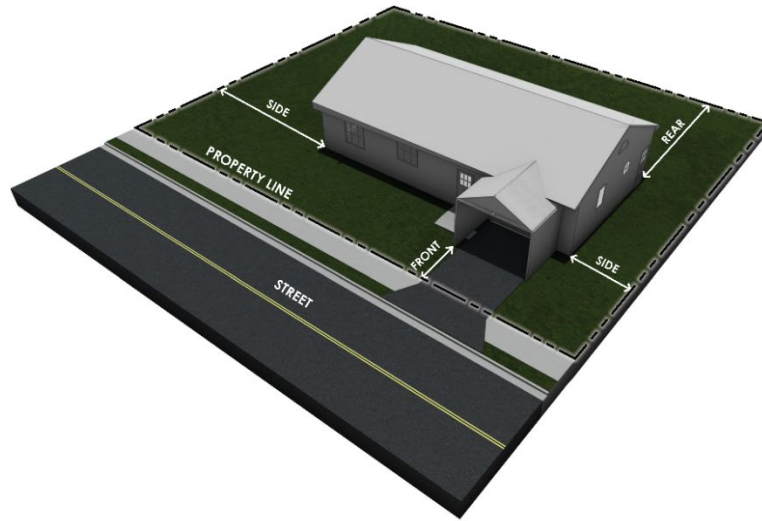
2. **Measurement of Story.** For the purpose of calculating heights of a story, the ground floor (i.e. first story) of a structure shall be a maximum of twenty (20) feet. Additional stories shall be a maximum of fifteen (15) feet for each individual story. Building heights are limited through the district 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.)

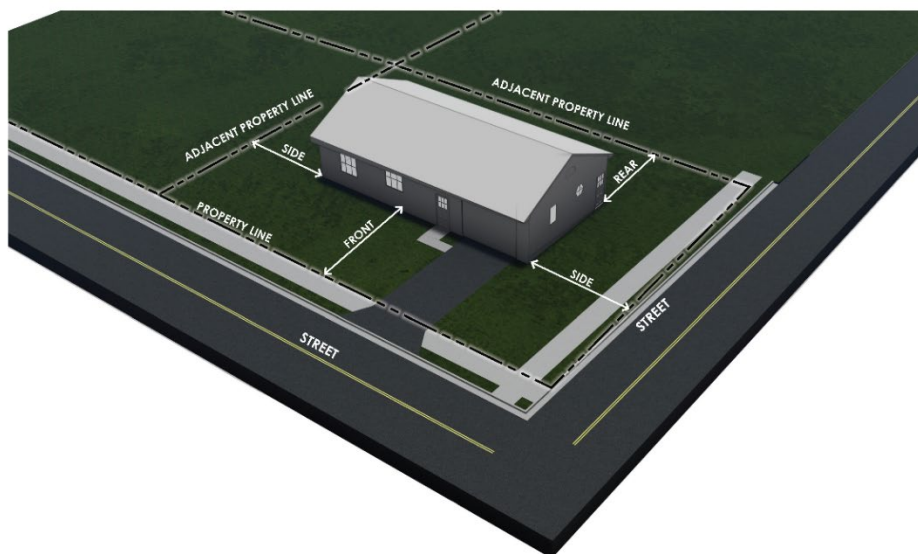
- B. Building Placement (Setbacks).** *Building Placement (Setbacks)*, shall be measured from the nearest part of the applicable building, structure or sign, measured perpendicularly to the lot line or street right-of-way line. Setbacks are designated by a front setback requirement, side setback requirements, 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



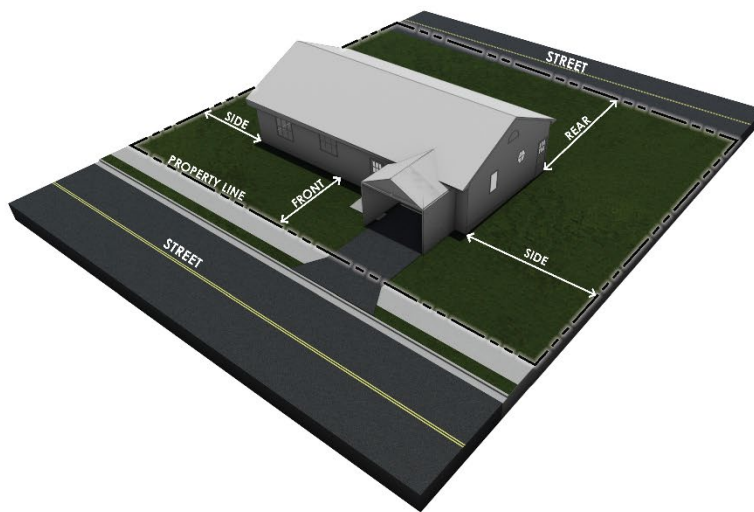
3. **Corner Lot.** A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new building, to designate its primary front yard, which shall dictate its front setback requirement. Orientation of the building, driveways 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.

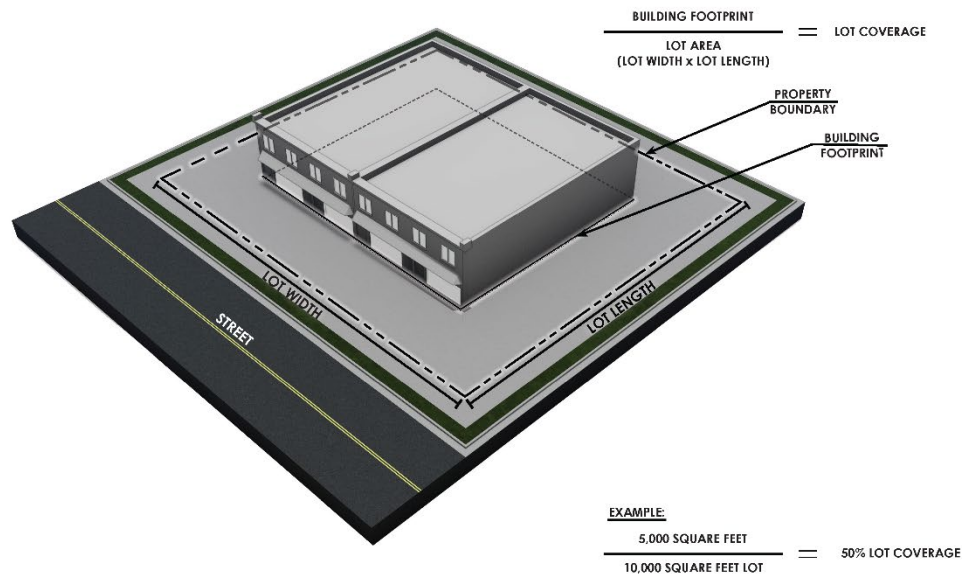
Figure II.1.6 Setback – Through Lot



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

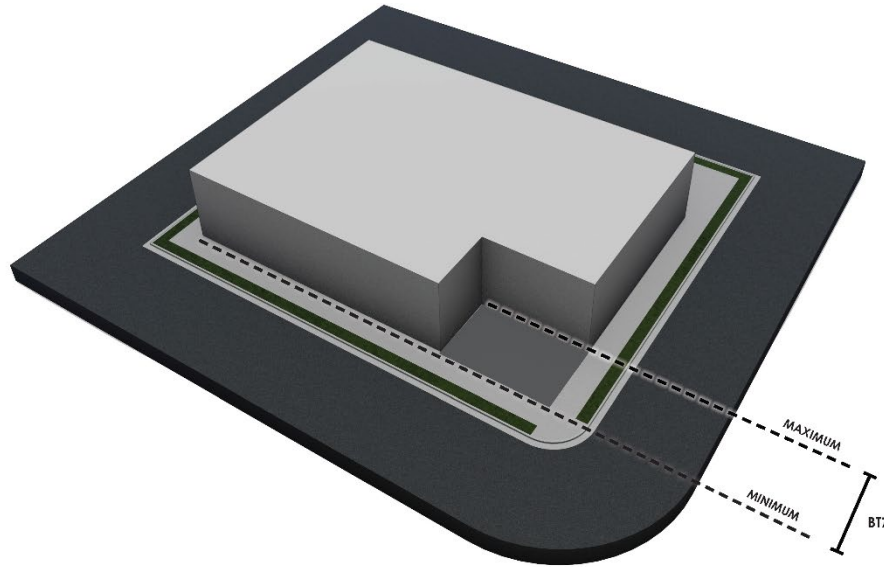


D. Equipment Considerations. Mechanical, electrical, and plumbing equipment (including air-conditioning and pool equipment) are exempt from side and rear yard requirements but shall not be located any closer than five (5) feet from the property line except where may be otherwise regulated.

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.

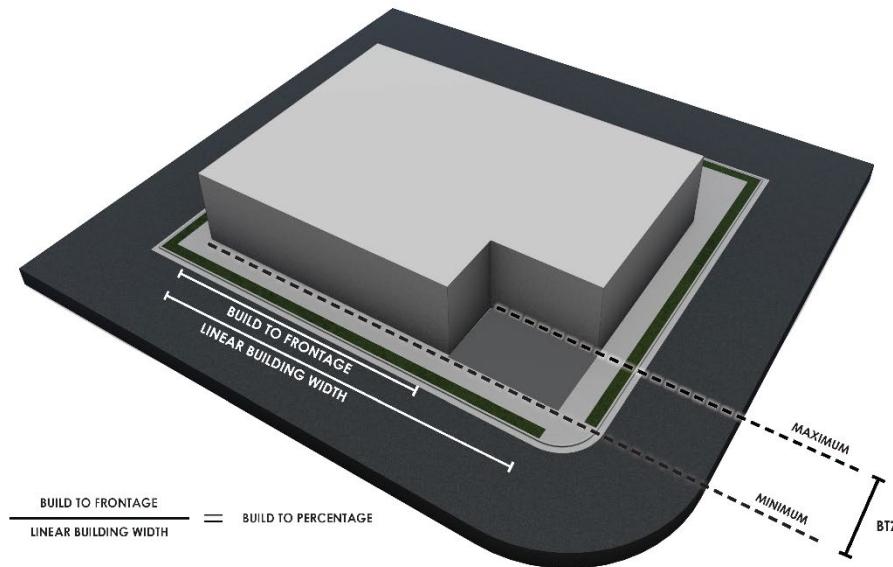
Figure II.1.8 Building Placement



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	

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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	

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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	

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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	

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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	

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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.

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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.

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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.

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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

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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

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

Retail Cont.																									
Movie Theatre	II.2.2.2(B)(7)(4)											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

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

		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																							
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	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.



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

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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.



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;

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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

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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

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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

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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

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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;

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- (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;

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

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- 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,

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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

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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

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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

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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

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- 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.

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- (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.**

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- (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.

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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.

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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.

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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

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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

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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*.

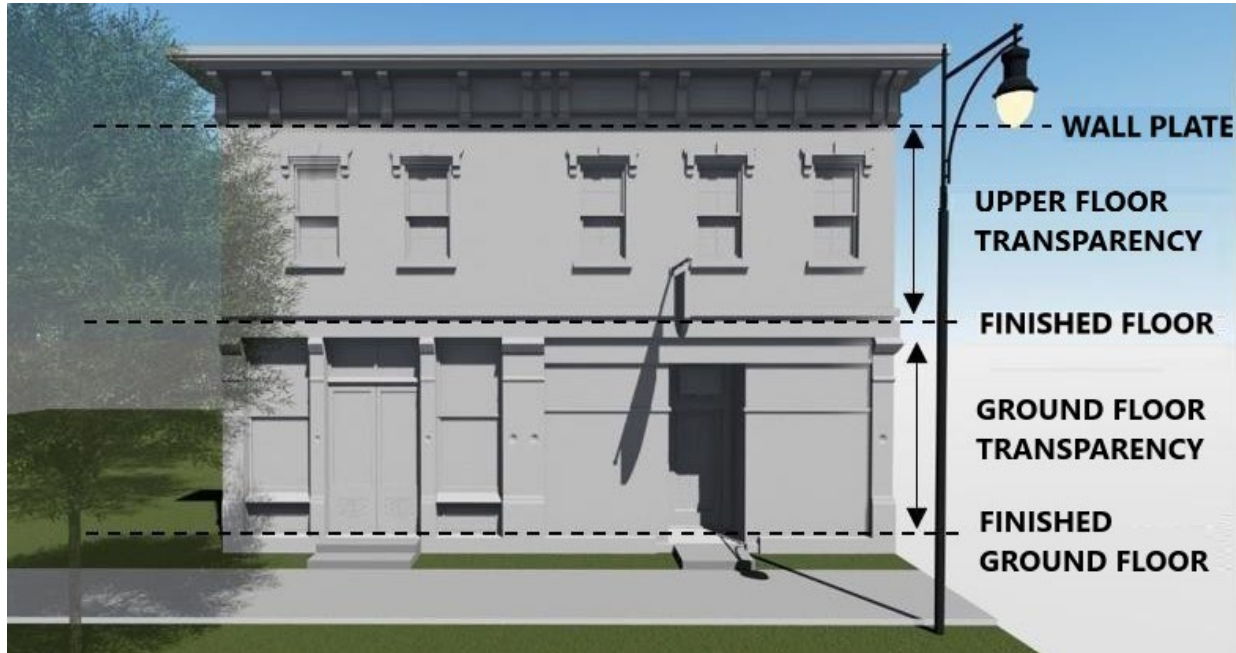
Figure III.1.2 Façade Design



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.

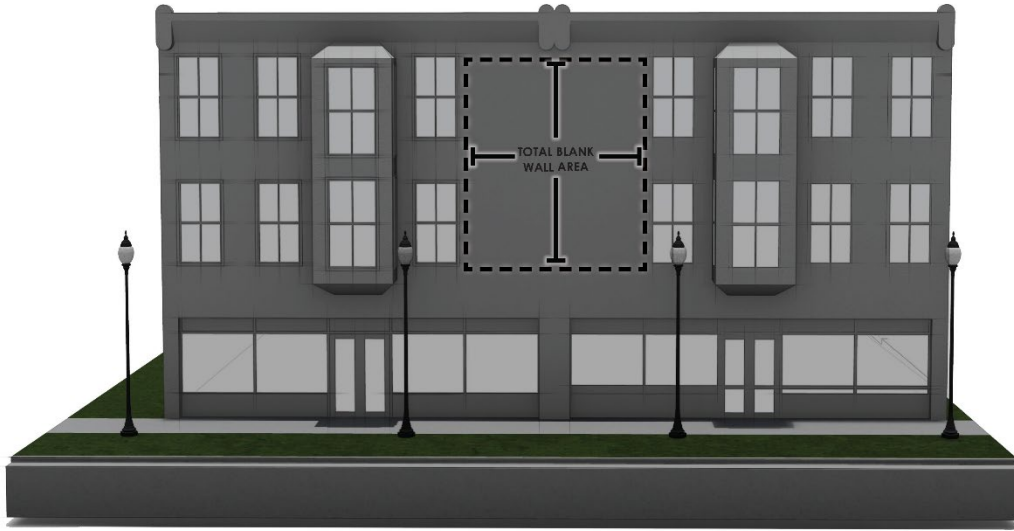
Figure III.1.3 Transparency



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

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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%

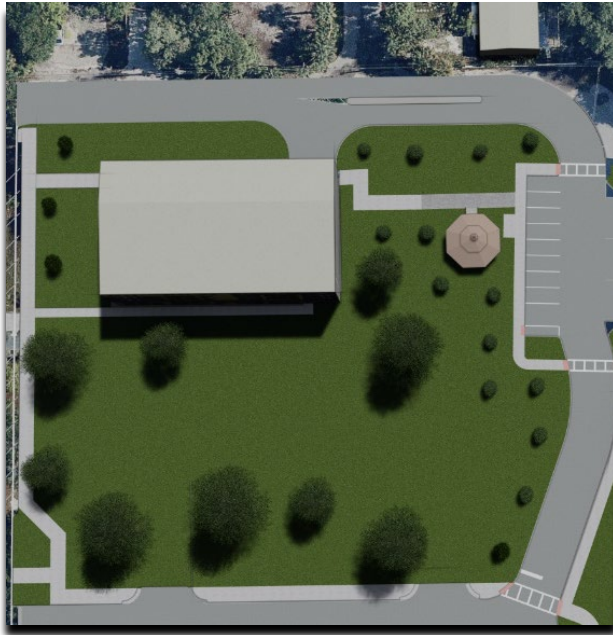
Figure III.2.1 Pocket Park



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

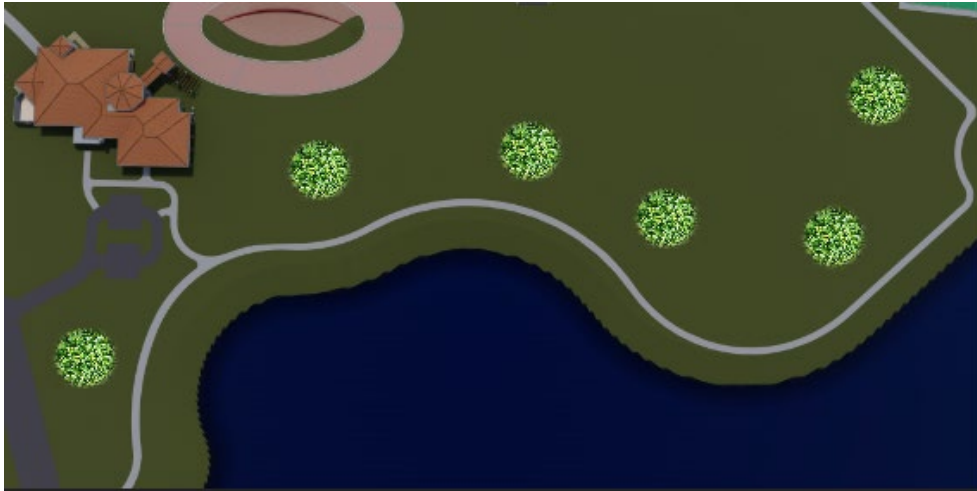
A. **Intent.** Linear Park/Greenway is an open space type that provides primarily natural linear medium or large-Scale open spaces that serve to enhance connectivity between Open Space Types and other Uses. Linear Parks are linear open spaces that often follow a natural feature, such as a river, stream, 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

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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.

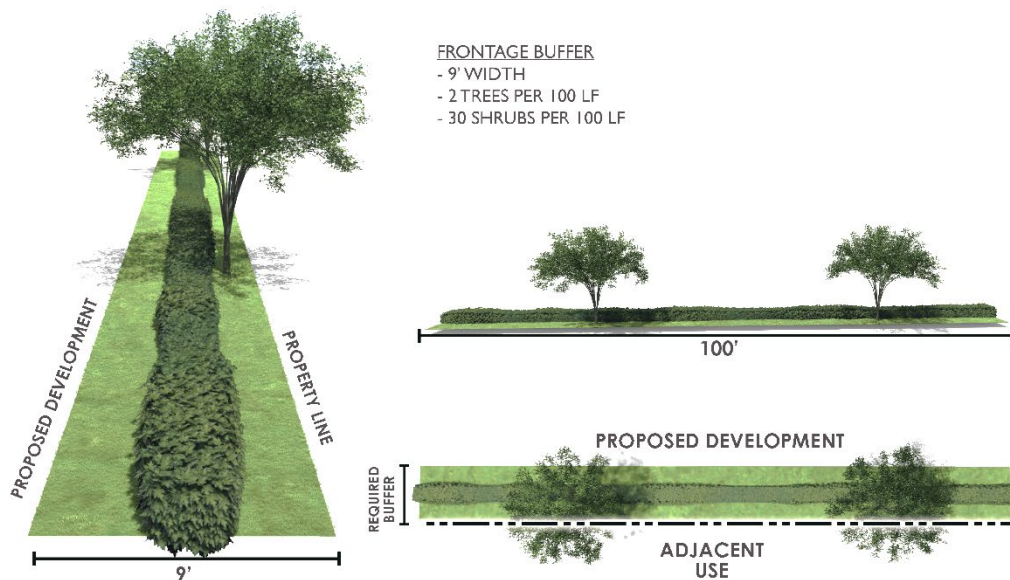
3.10. FRONTAGE BUFFER

- 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

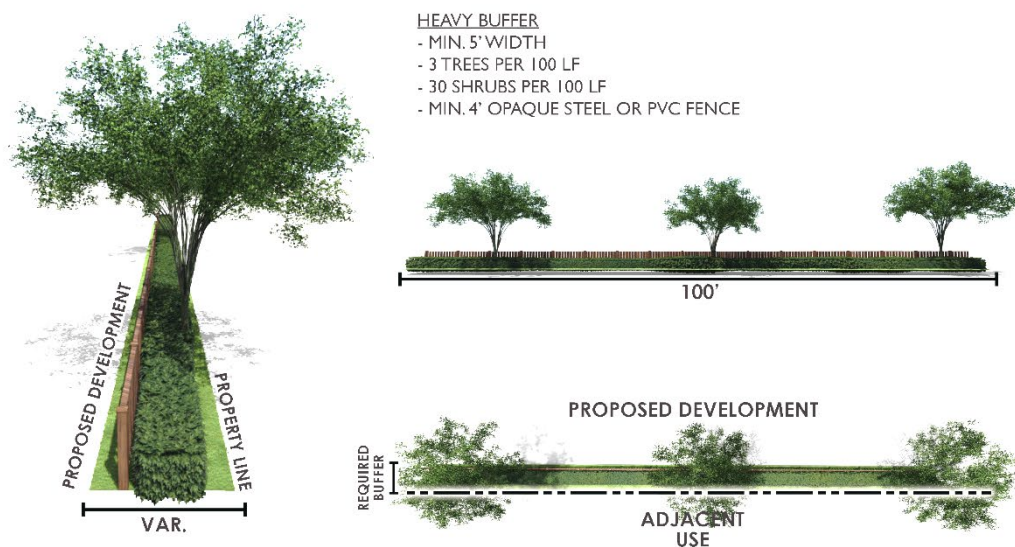
required landscape screen.

- (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.

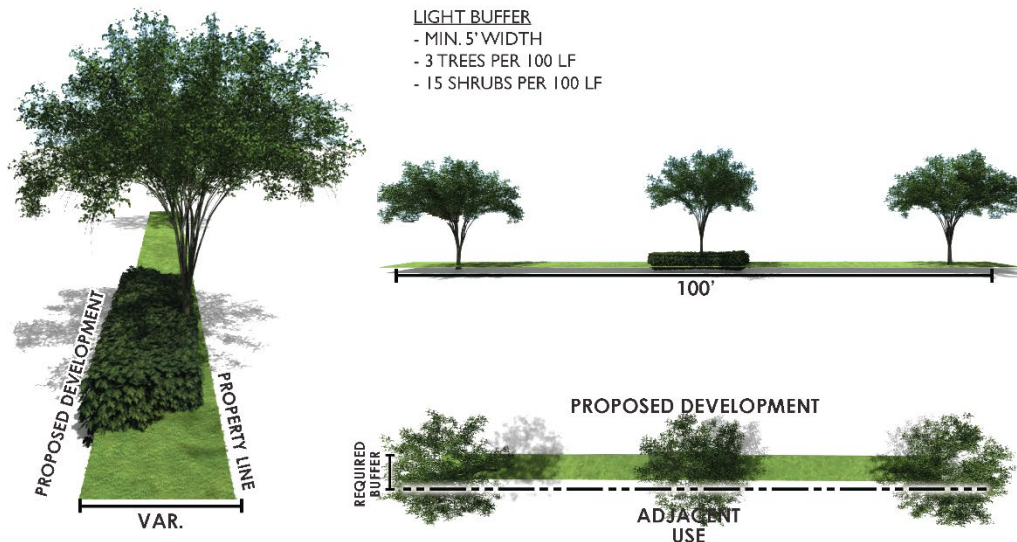
E. **Fence.** One of the following shall be installed.

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.

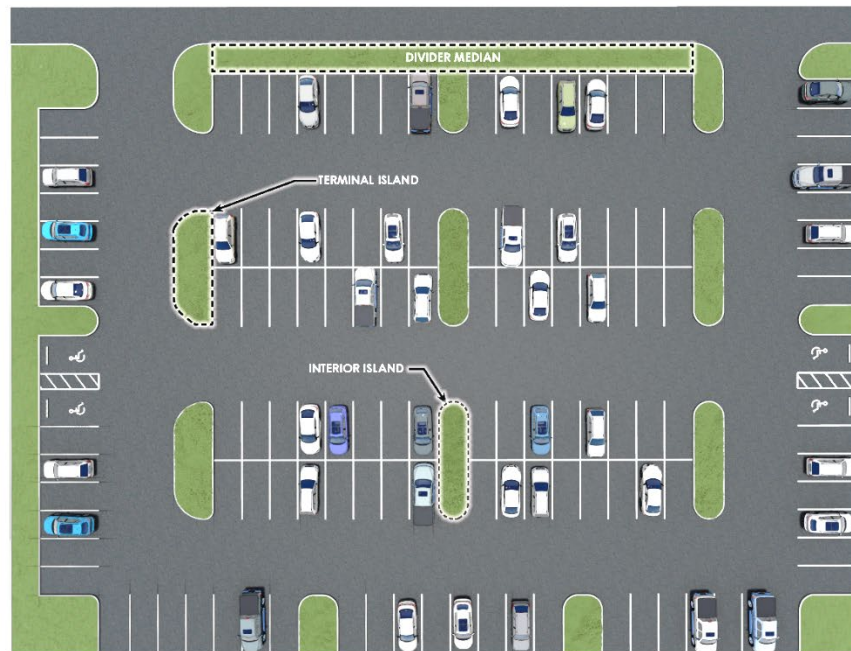
Figure III.3.3 Light Landscape Screen within the Side & Rear Yard Buffer



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

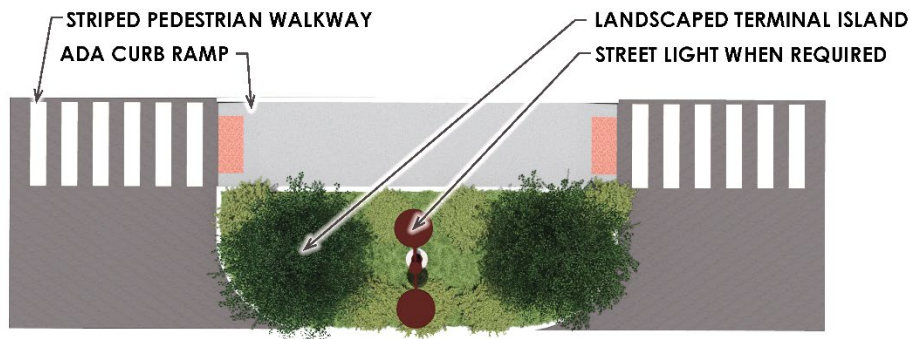


C. **Island and Median Requirements.** Parking Lot landscape islands and medians shall be installed as follows.

1. **Location.**

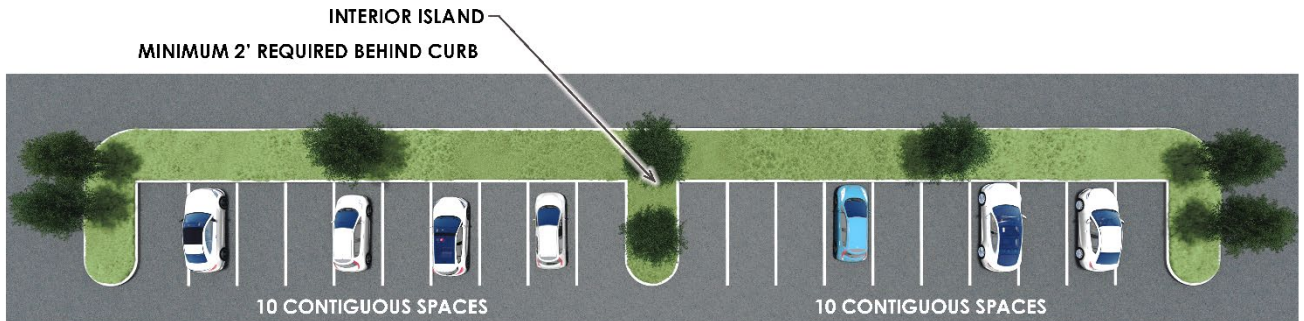
- (1) Landscape islands are required at the terminal ends of any free-standing rows or bays of parking. Free-standing rows or bays of parking are those that are not abutting the parking lot perimeter and may have a single or double row of parking.
 - i. Parking areas not visible from the street, excluding 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:

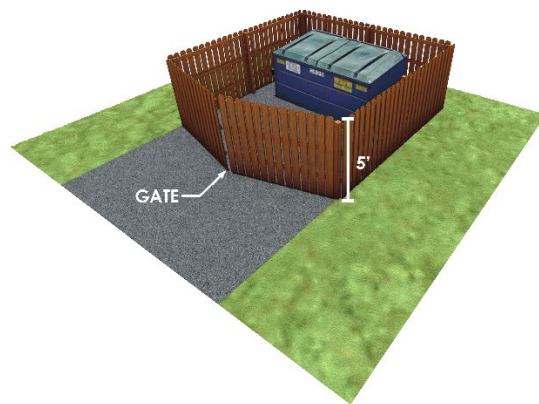
1. Required plant material shall be placed adjacent to the perimeter of the parking area.
2. Parking perimeter plantings shall consist of a single continuous row of shrubs planted no greater than three (3) feet on-center and within five (5) feet of the parking lot edge and may also include trees.
3. 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)(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

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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

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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

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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

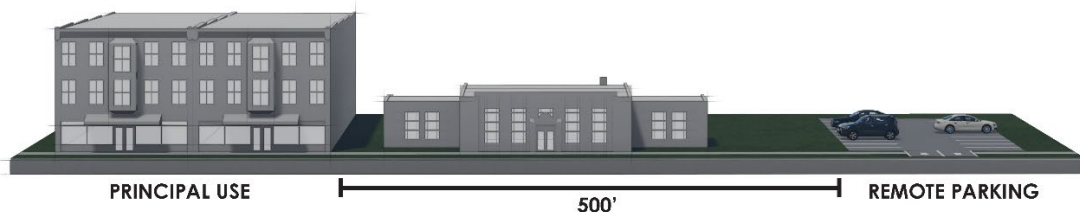
parking within one thousand (1,000) feet of the building. On-street parking must be accessible via a sidewalk, pedestrian path, or similar.

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).

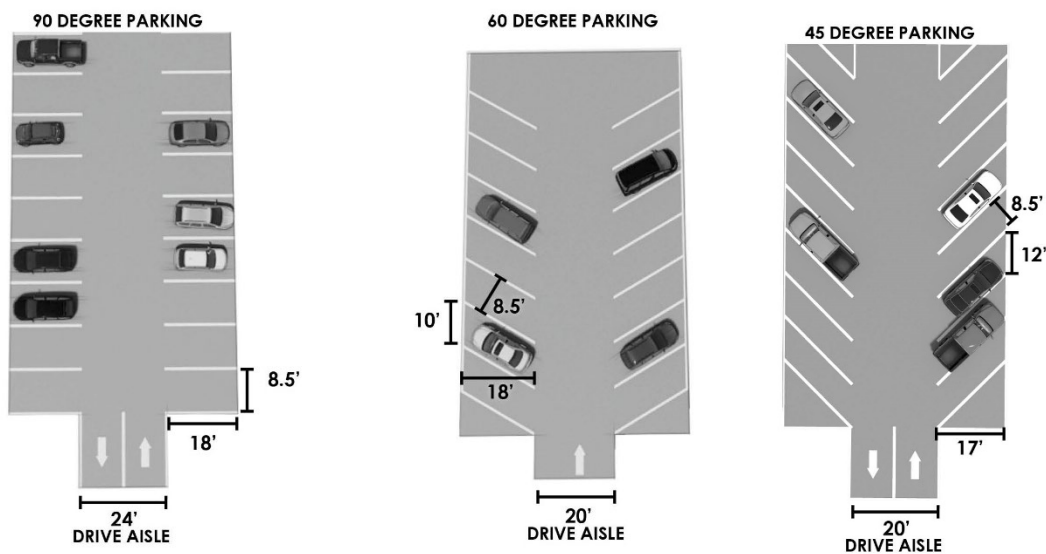
B. Dimensional Standards.

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.

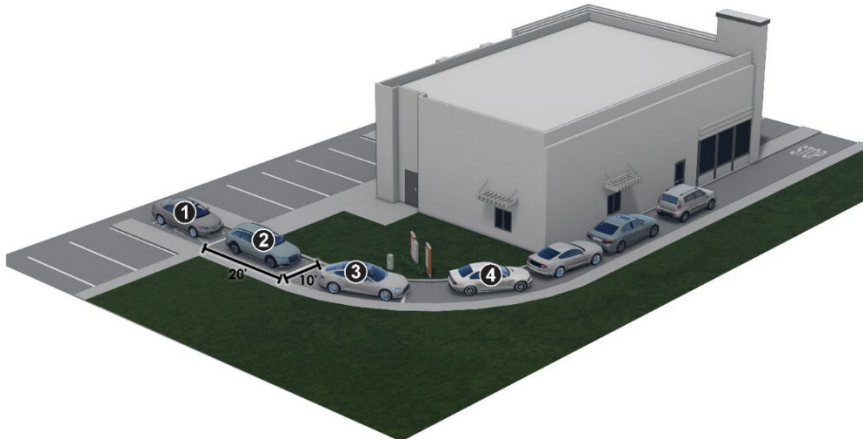
4.7. VEHICULAR STACKING REQUIREMENTS

- 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;

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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 too 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

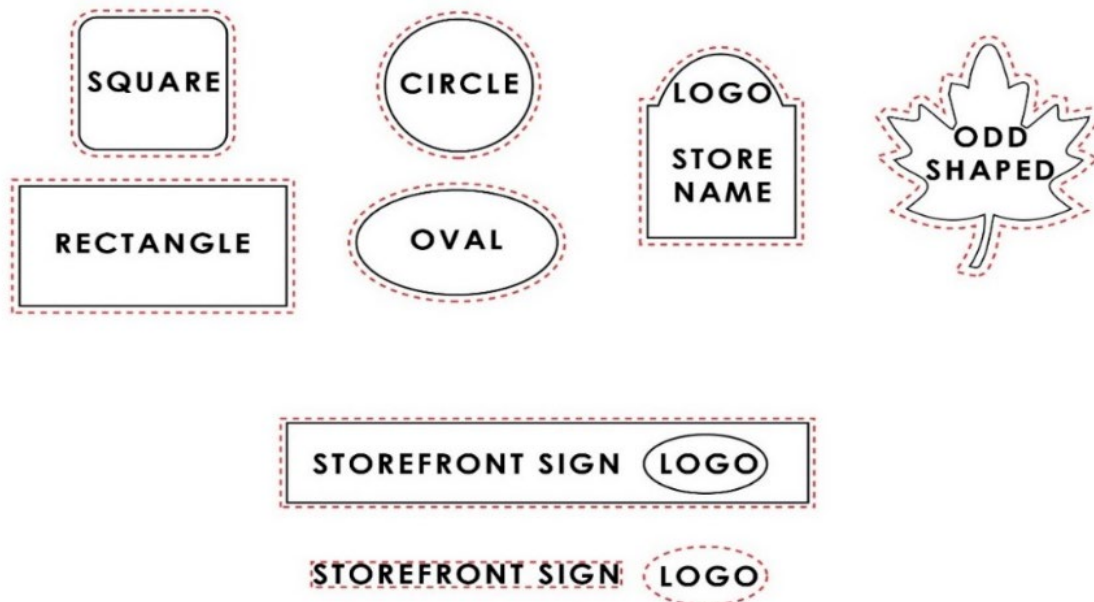
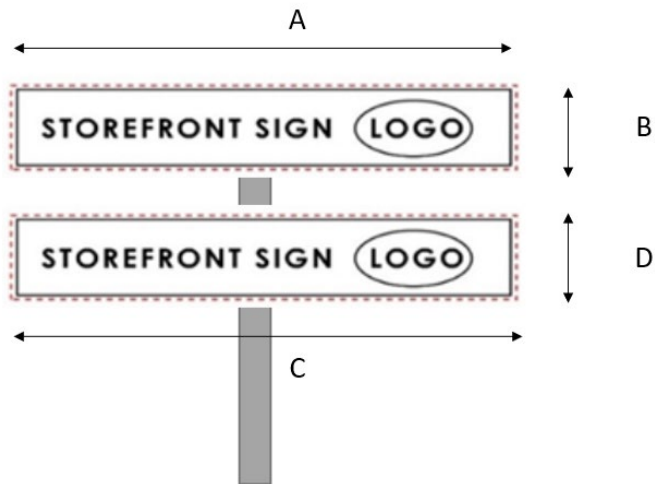
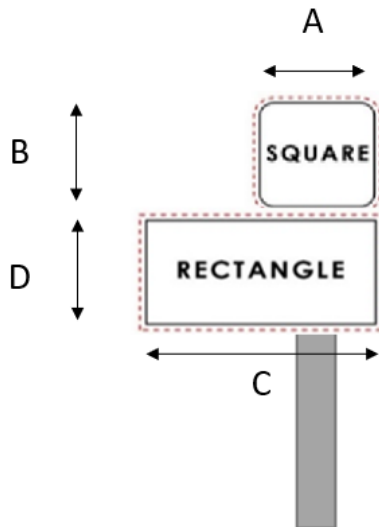


Figure III.5.2 Sign Area Calculation for Multiple Signs on Single Pole Illustration



Total Sign Surface Area =
 $(A)(B) + (C)(D)$

Figure III.5.3 Sign Area Calculation for Multiple Signs on Single Pole Illustration

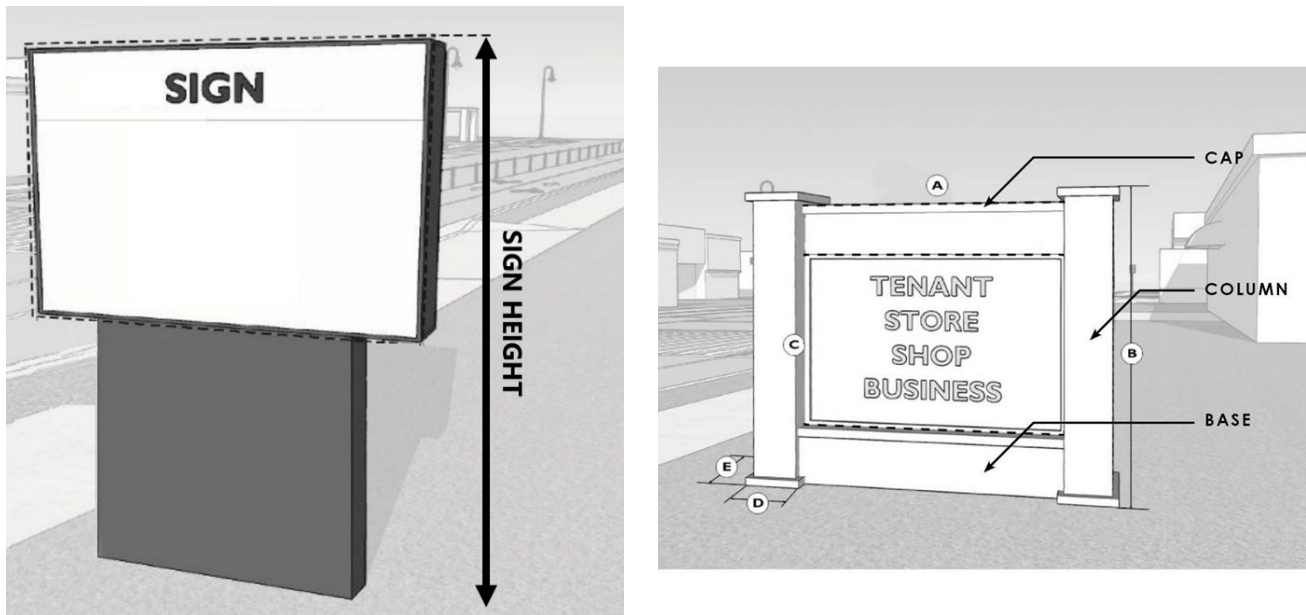


Total Sign Surface Area =
 $(A)(B) + (C)(D)$

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.

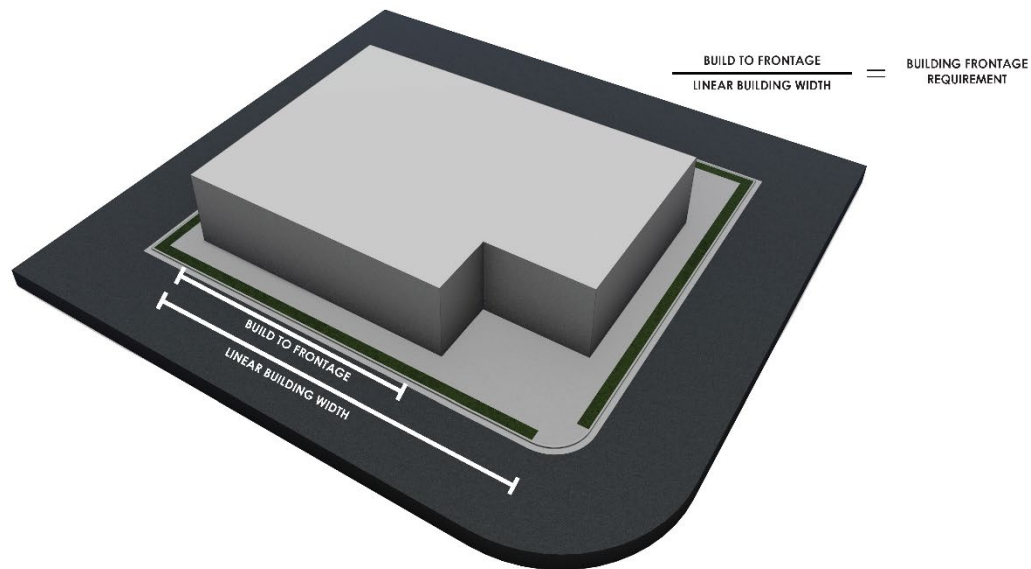
Figure III.5.4 Sign Height Illustration



- 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.

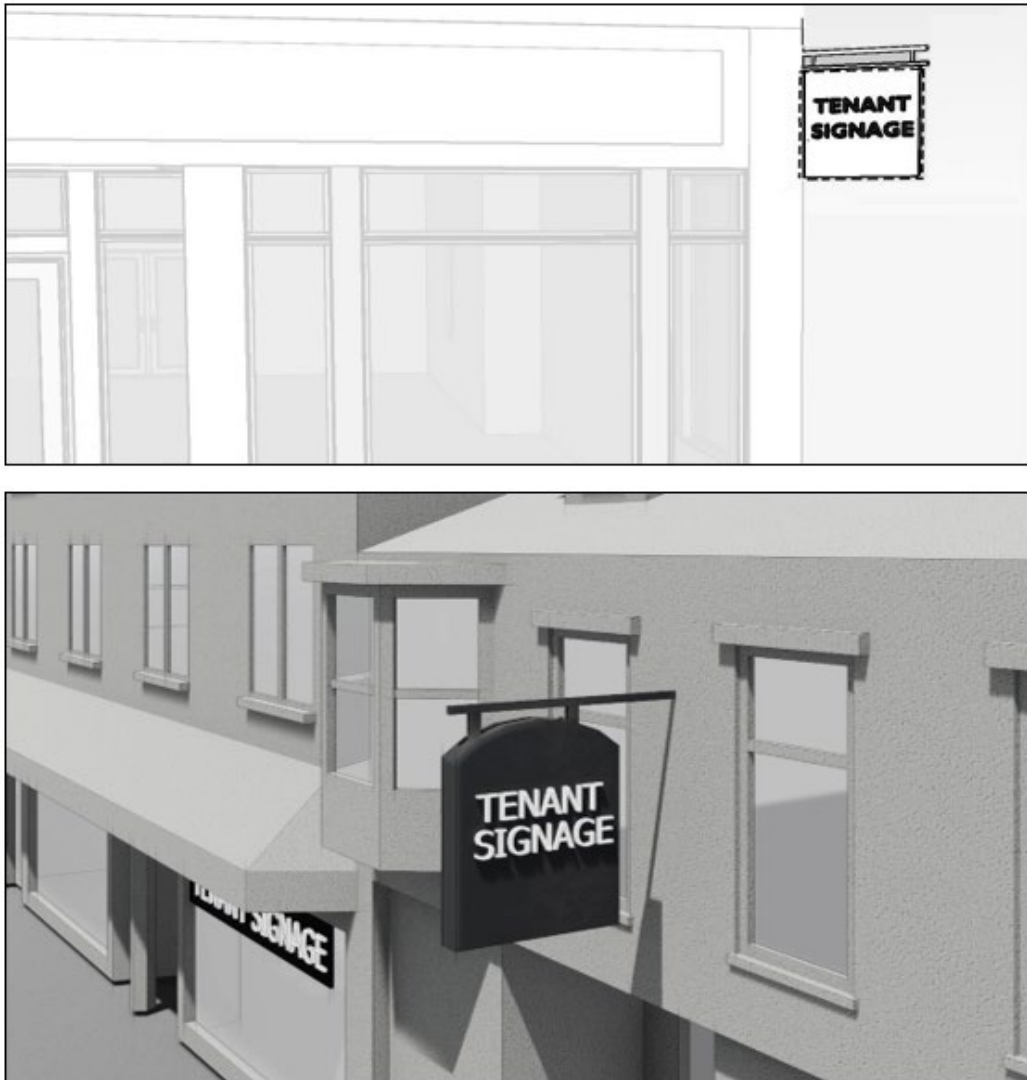
Figure III.5.8 Canopy/Awning Sign



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.

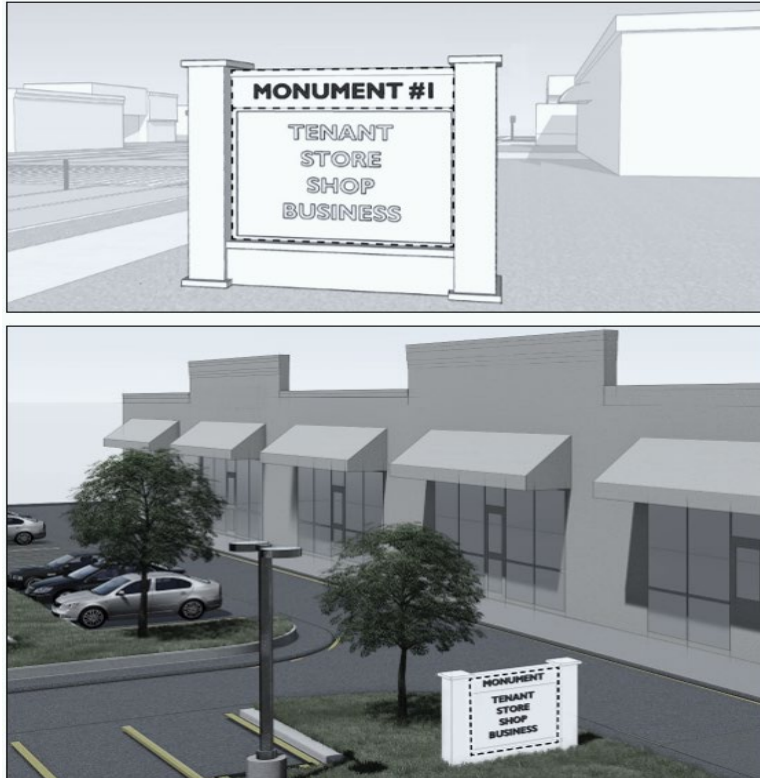
(1) **Permitted.** Shopping Center Signs may be permitted on commercial sites that meet all of the following criteria:

- 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.

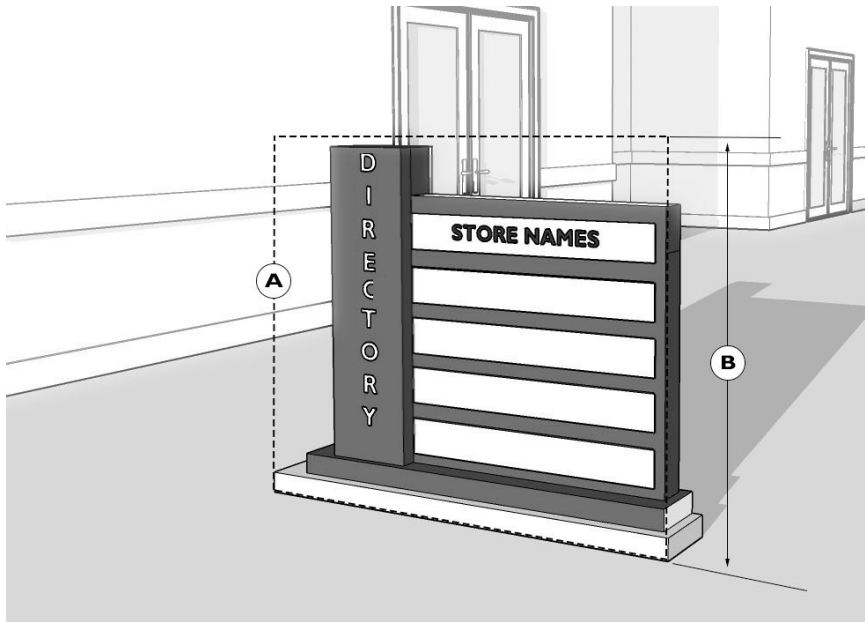
Figure III.5.10 Monument Sign



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.

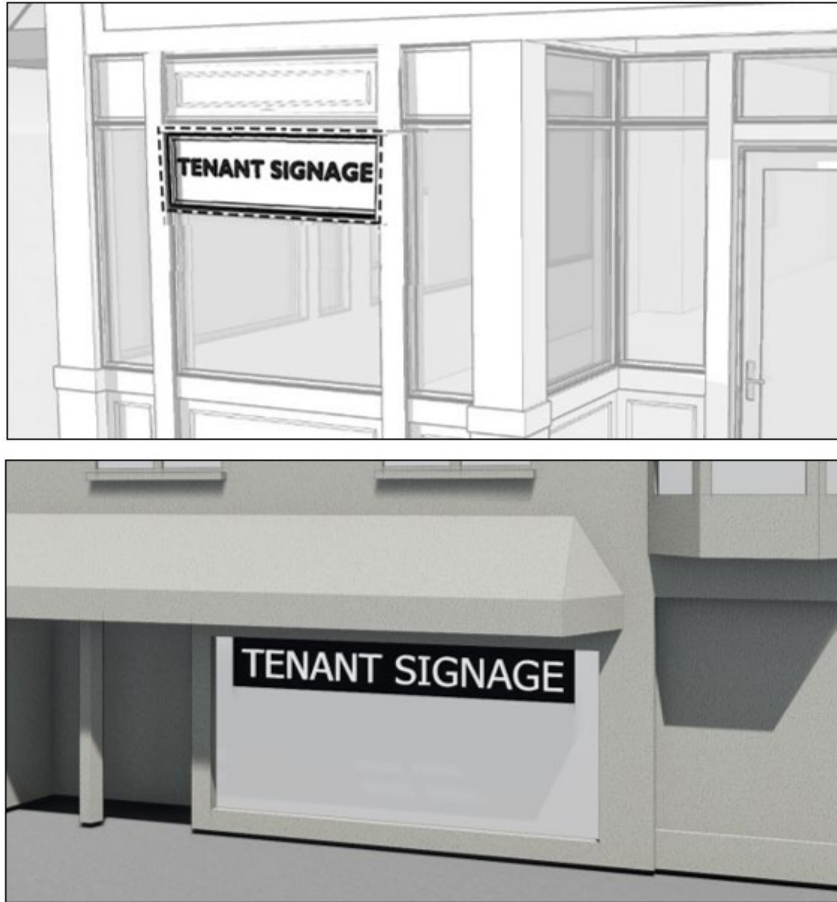
Figure III.5.13 Sidewalk/A-Frame Sign



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

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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.

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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

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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.

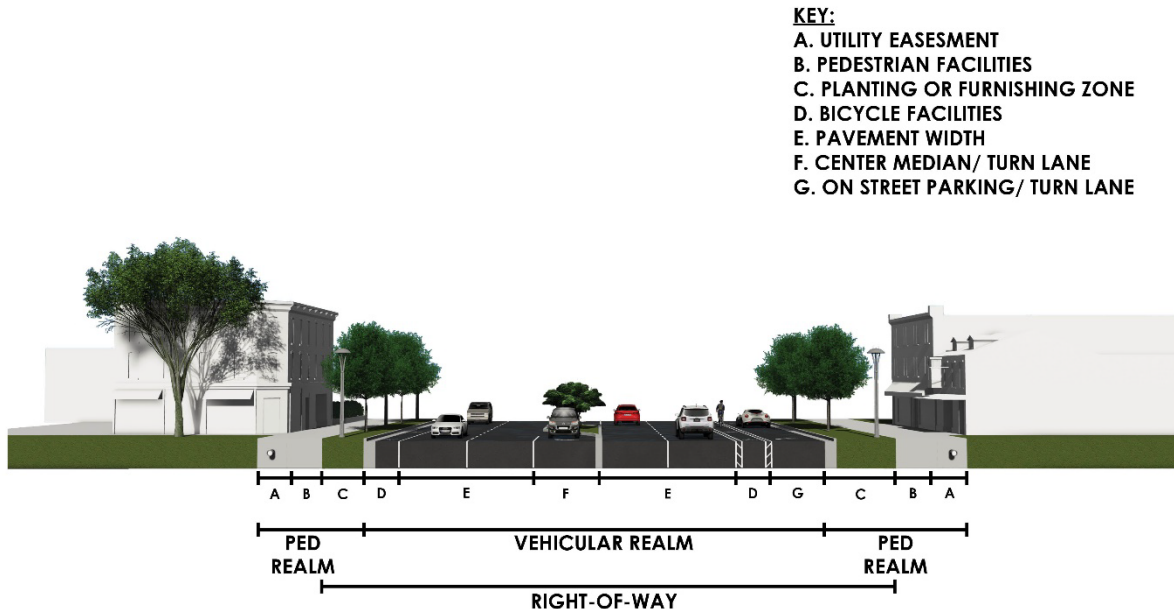
Table IV.1.1 Street Type Standards

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.

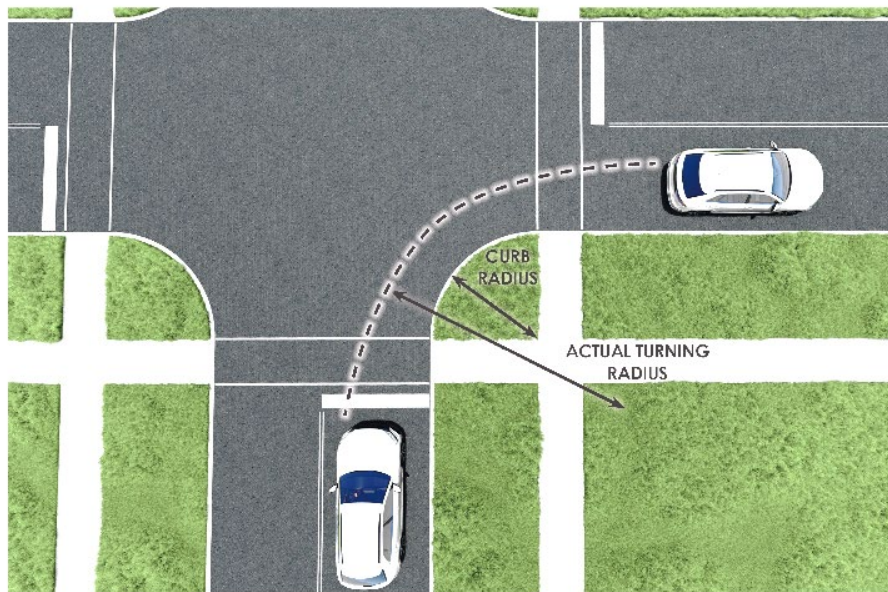
1.5. INTERSECTION DESIGN

- 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 be 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

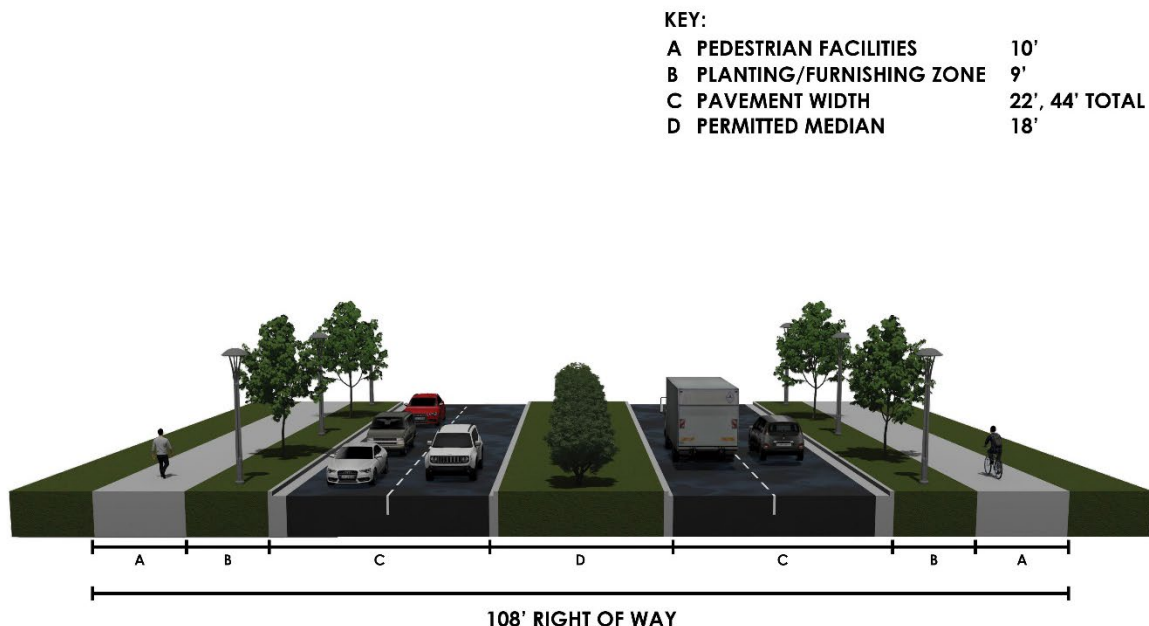


Table IV.1.3 Minor Arterial Street Standards

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

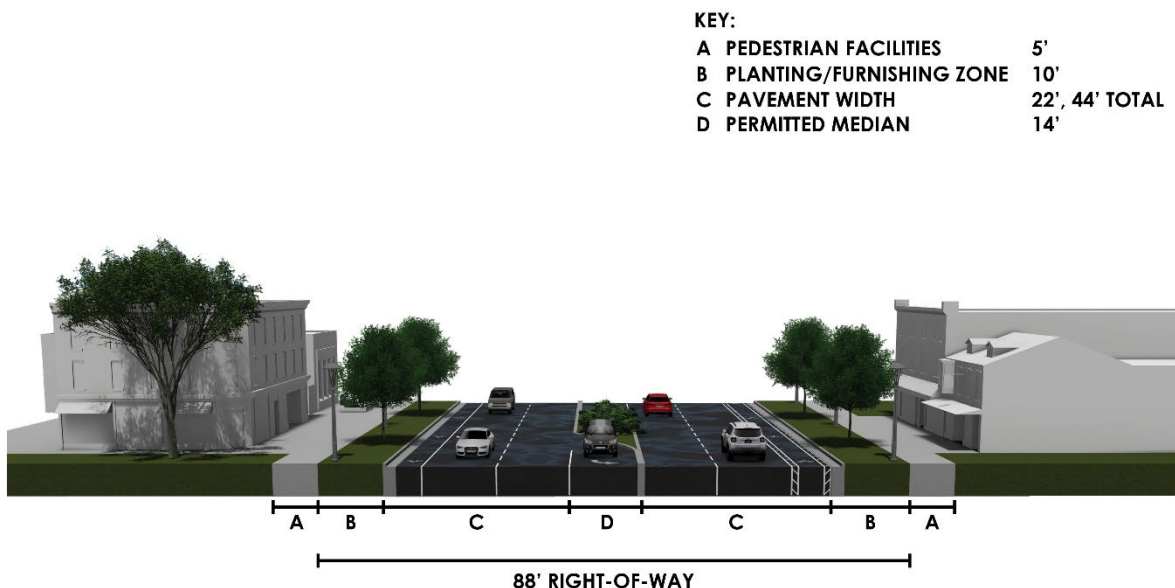


Table IV.1.4 Major Collector Street Standards

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

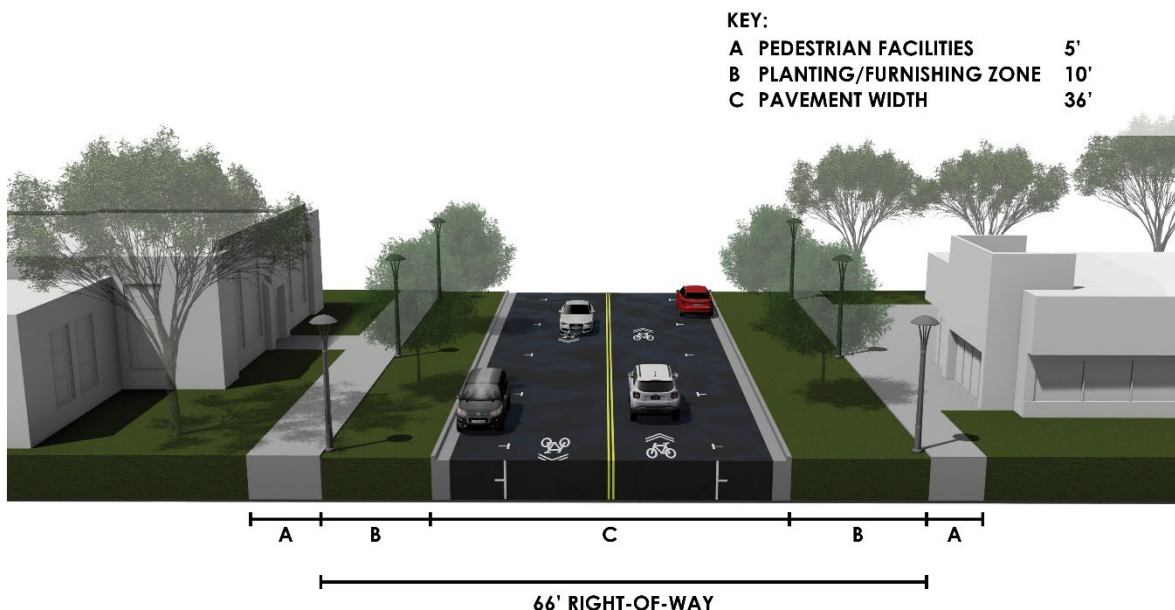


Table IV.1.5 Minor Collector Standards

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 Lanes¹	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 Facilities²	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 Requirement⁶		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

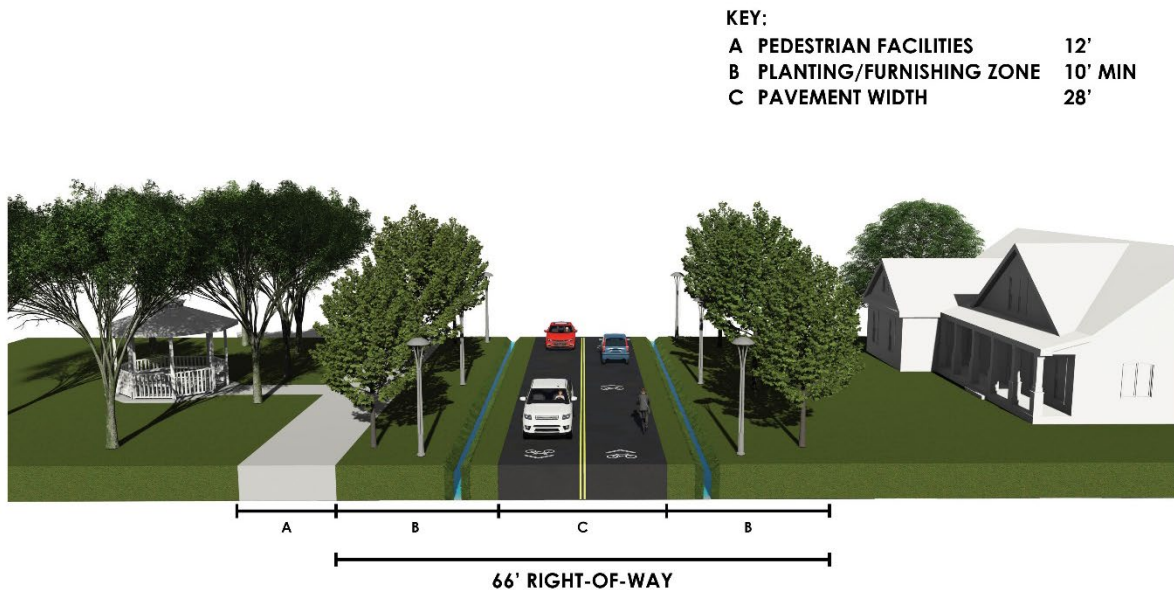


Table IV.1.6 Rural Minor Collector Street Standards

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 <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. 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

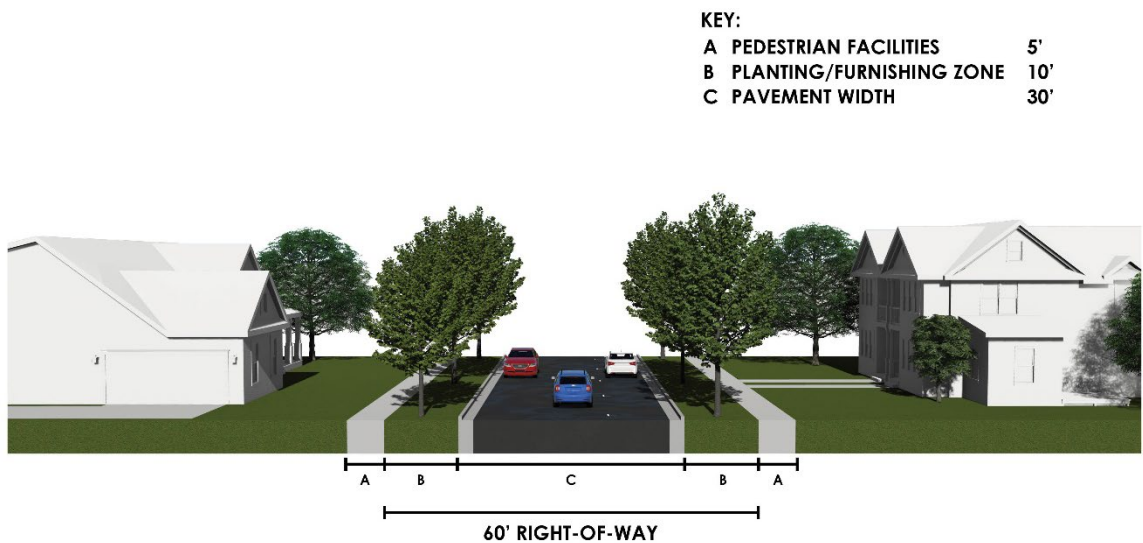


Figure IV.1.8 Typical Local Street Alternative

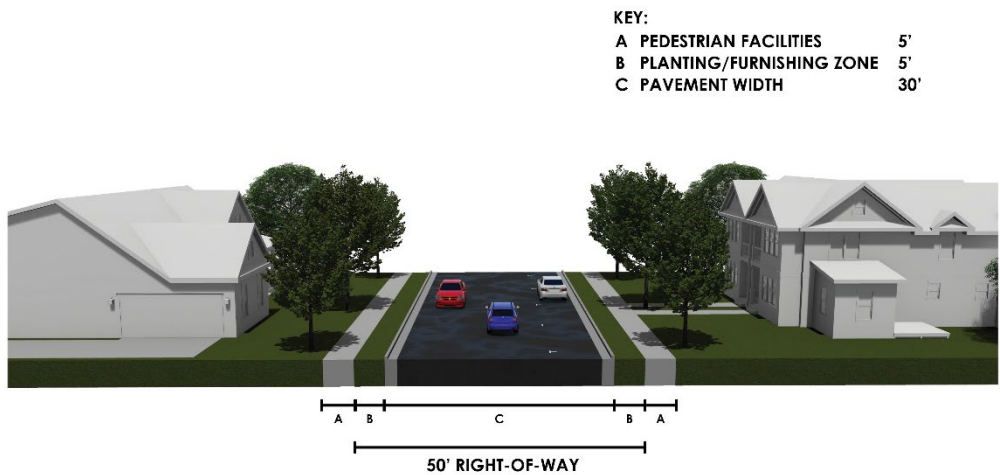


Table IV.1.7 Local Street Standards

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

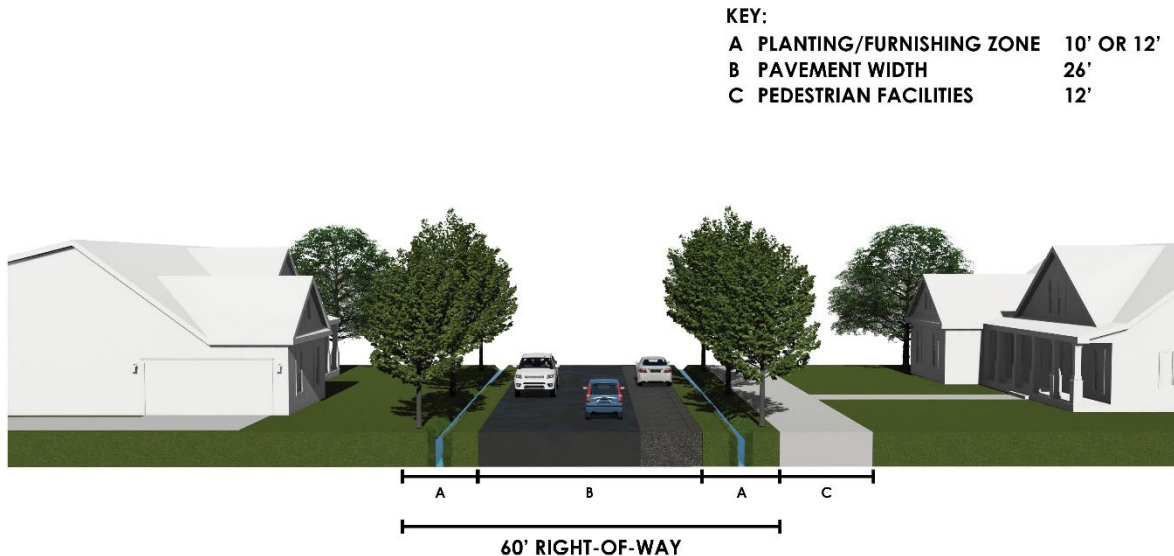


Table IV.1.8 Rural Local Street Standards

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

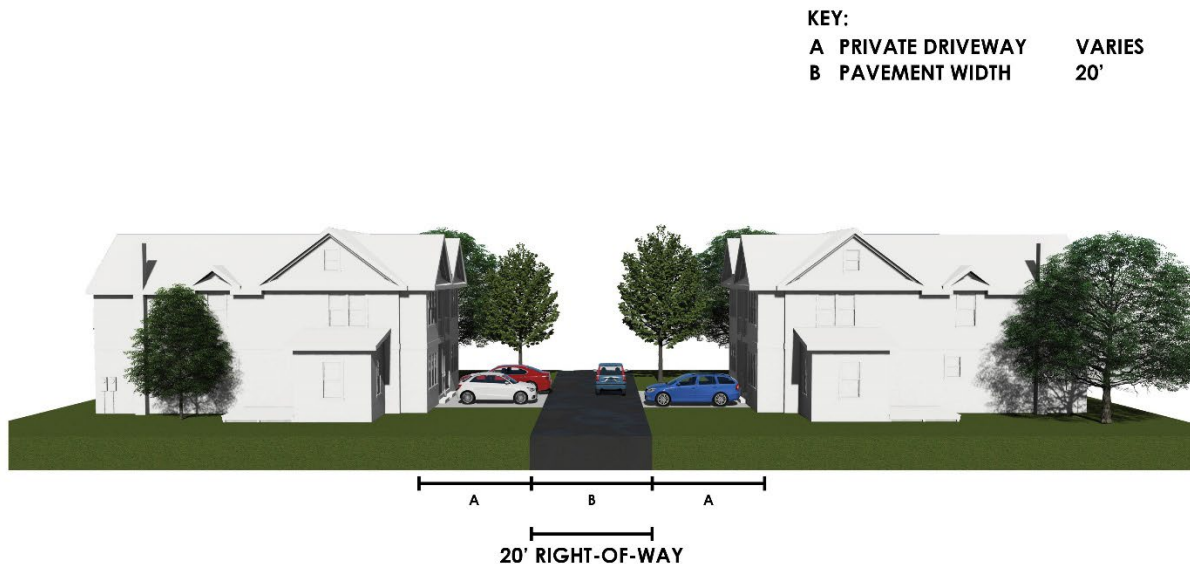


Table IV.1.9 Alley Standards

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

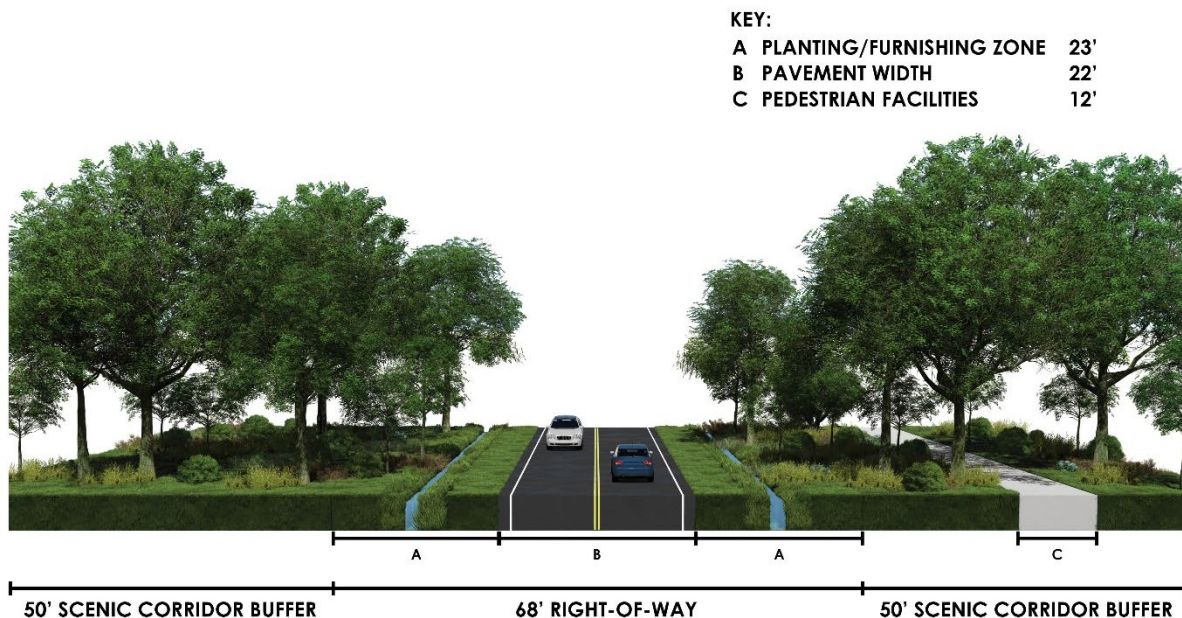


Table IV.1.10 Scenic Corridor Standards

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 <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. Applicable only if existing trees do not currently meet the street tree requirements.		

1.6.9. CONSERVATION STREET OVERLAY

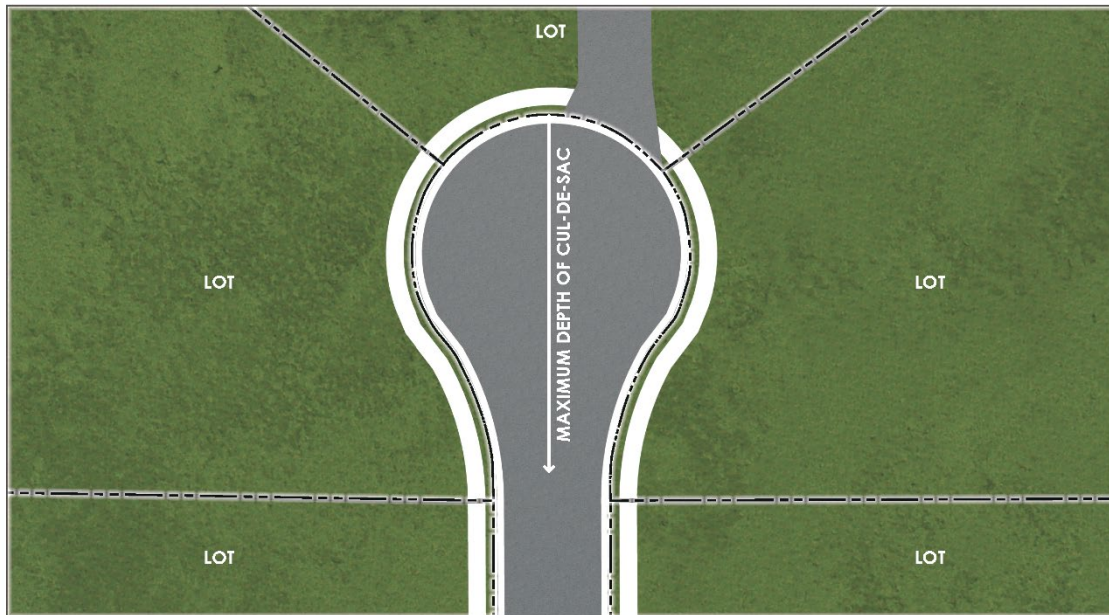
- A. **Intent.** The Conservation Street Overlay, applied to any Street Type, allows flexibility in the horizontal design of a street, including definition of the Right- of-Way width, pavement location, and pavement width, to respect the existence of natural features and maintain the character of the 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

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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.

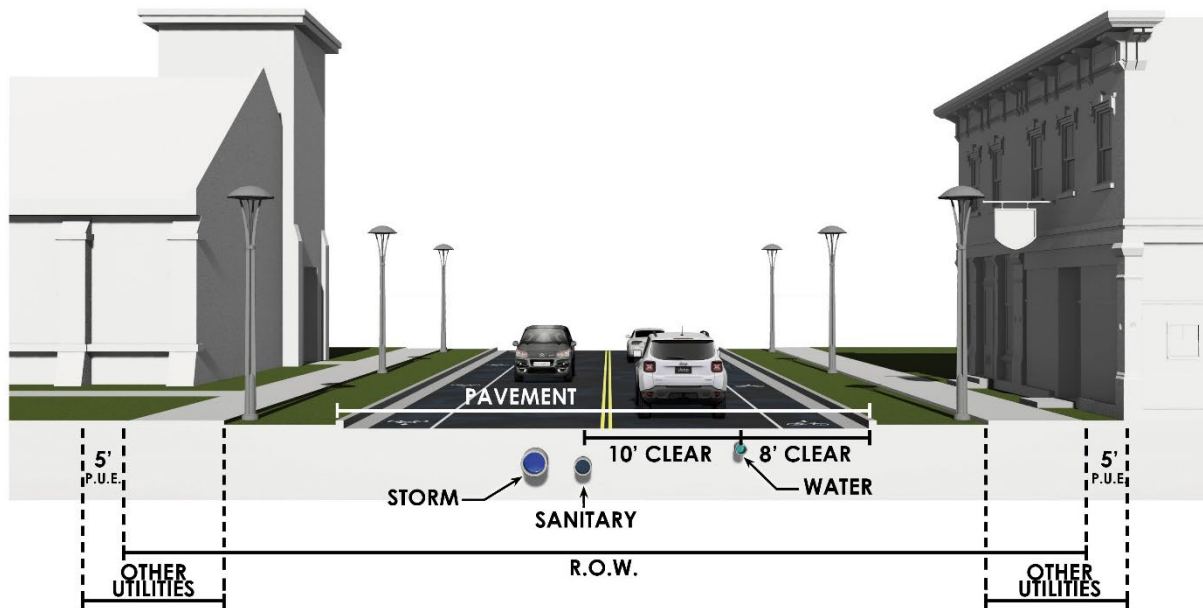
- j. Electrical transmission lines or distribution lines. All lines shall be installed on painted steel poles. Steel pole paint color shall be earth tones or subject to DRC approval.
- k. Equipment installed by the utility which should not be installed underground for engineering, safety, or environmental 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 exhaust 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.

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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

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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 or 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-plain 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.



LAND DEVELOPMENT REGULATIONS

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CITY OF LAKE LAND, TENNESSEE

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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.

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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.



1.2

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

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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.



1.3

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

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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.						

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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

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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 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 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 1.4.3.2 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 1.4.5.1 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 1.4.3.2 Preliminary Plat*).
- B. **Applicability.** All Plats receiving Preliminary Plat approval (*Section 1.4.3.2 Preliminary Plat*) and Construction Plan approval (*Section 1.4.4 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 1.4.3.2 Preliminary Plat*) and Construction Plans (refer to *Section 1.4.4 Construction Plans*).
 2. Applicant has entered a development contract with the City consistent with *Section 1.5 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 I.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 I.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 I.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 I.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 1.4.7.4 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 11.2.3 Accessory Uses and Structures.*
 - (3) Development that qualifies for Minor Site Plan Review (refer to *Section 1.4.6.1 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 11.4.1 Wireless Transmission Facilities.*
 4. Exceptions to *Section 1.8 Nonconformance* as detailed in *Section 1.8.6 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 1.4.2 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 1.4.5.2 Subdivision Modification* and/or *Section 1.4.7.3 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 I.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 I.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 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.4.7.3(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 1.4.3.2 Preliminary Plat*) or Site Plan Review (*Section 1.4.6.2 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 1.4.7.4 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.



1.5

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

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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*.

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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.

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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

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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.

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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.

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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

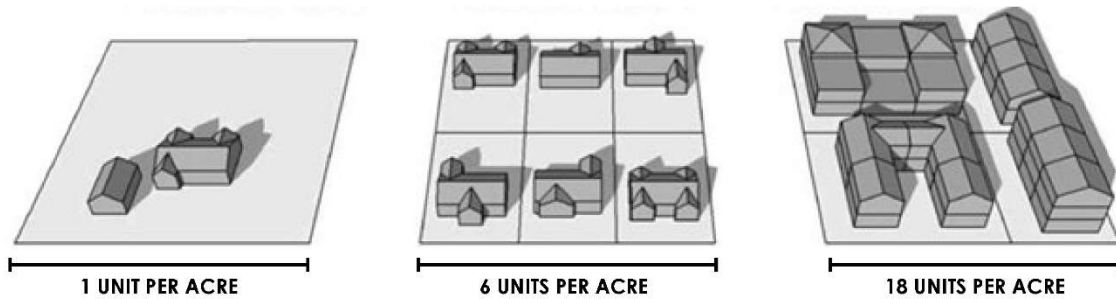
1.2. STANDARDS OF MEASUREMENT

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.

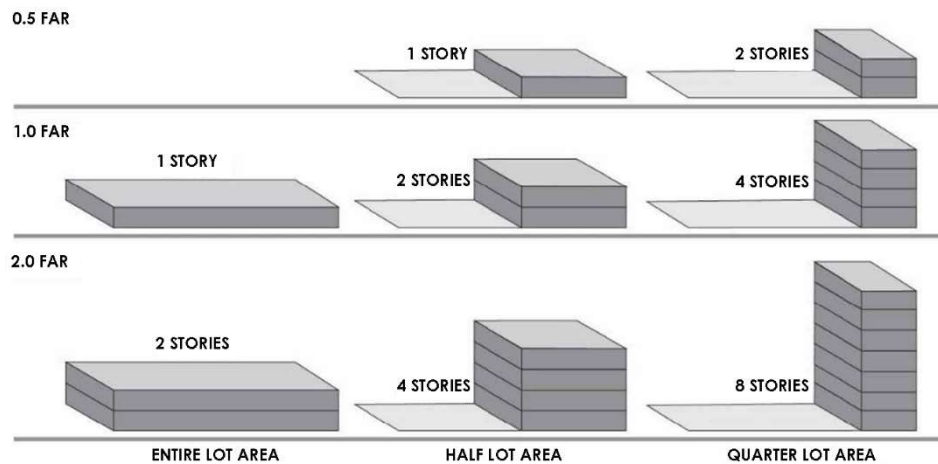
1. All residential densities denoted in the adopted Comprehensive Plan are not guaranteed by right. The appropriate allocation of density shall encourage sustainable development.
2. Subdivision, zoning, and site plan review criteria and procedures shall assure that density is consistent with established 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



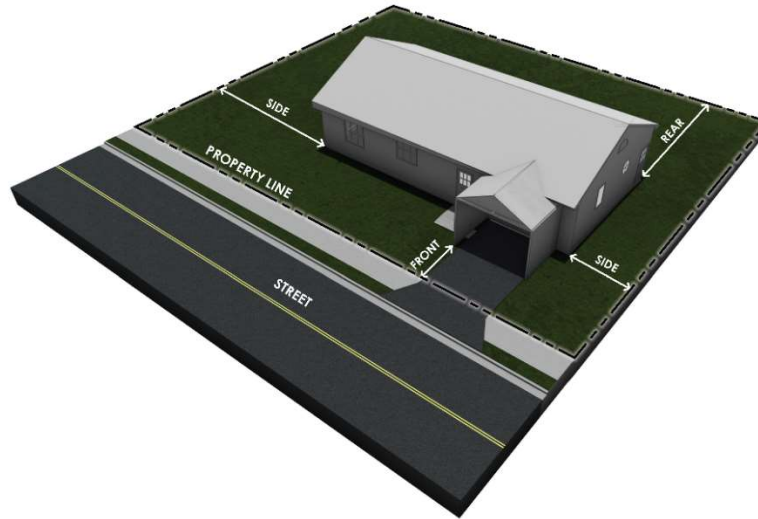
2. **Measurement of Story.** For the purpose of calculating heights of a story, the ground floor (i.e. first story) of a structure shall be a maximum of twenty (20) feet. Additional stories shall be a maximum of fifteen (15) feet for each individual story. Building heights are limited through the district 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



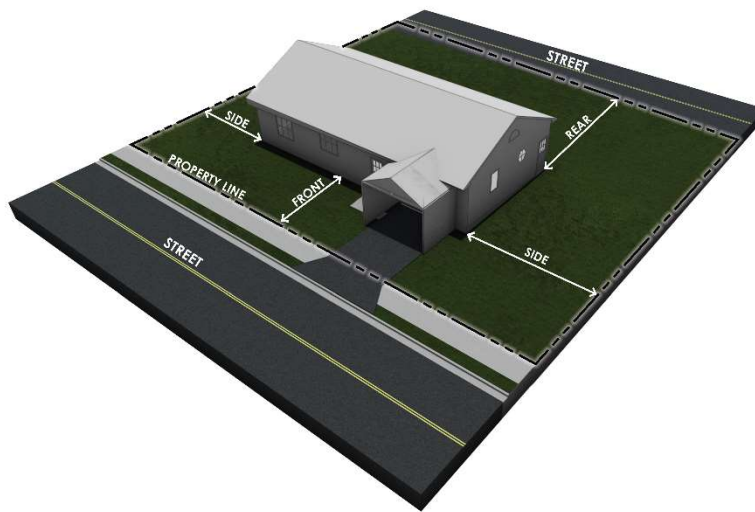
3. **Corner Lot.** A lot which abuts two or more streets, other than an alley or easement. Each corner lot shall be required, either on its plat or building permit for new building, to designate its primary front yard, which shall dictate its front setback requirement. Orientation of the building, driveways 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.

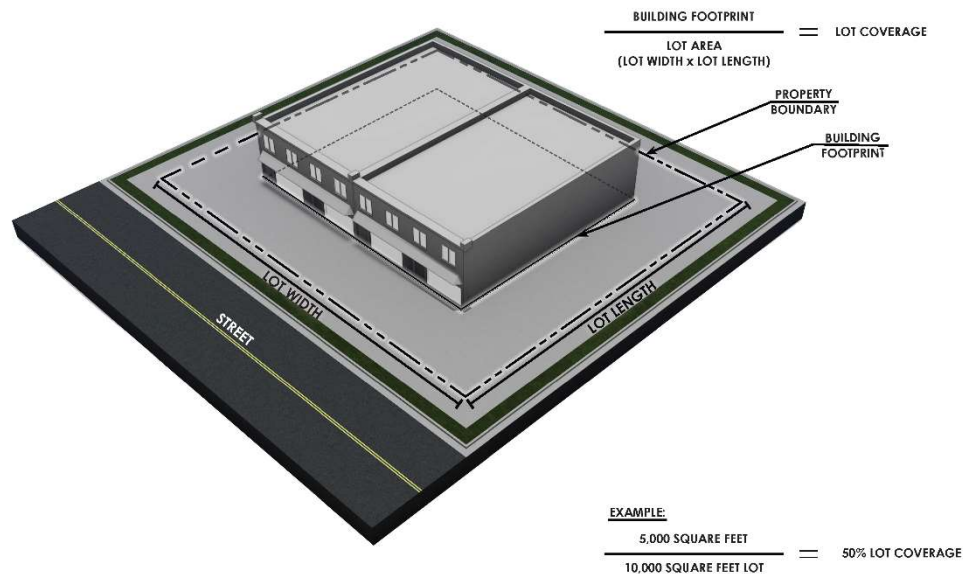
Figure II.1.6 Setback – Through Lot



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

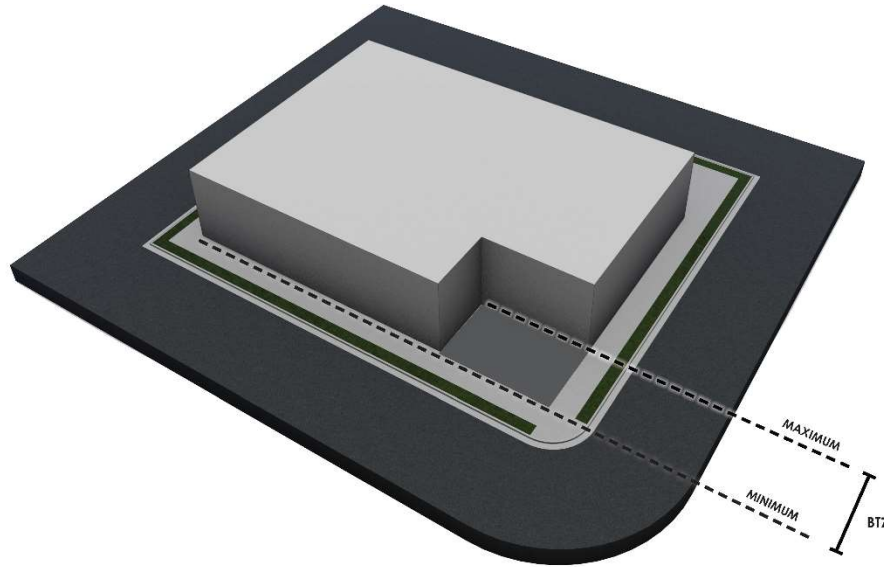


D. Equipment Considerations. Mechanical, electrical, and plumbing equipment (including air-conditioning and pool equipment) are exempt from side and rear yard requirements but shall not be located any closer than five (5) feet from the property line except where may be otherwise regulated.

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.

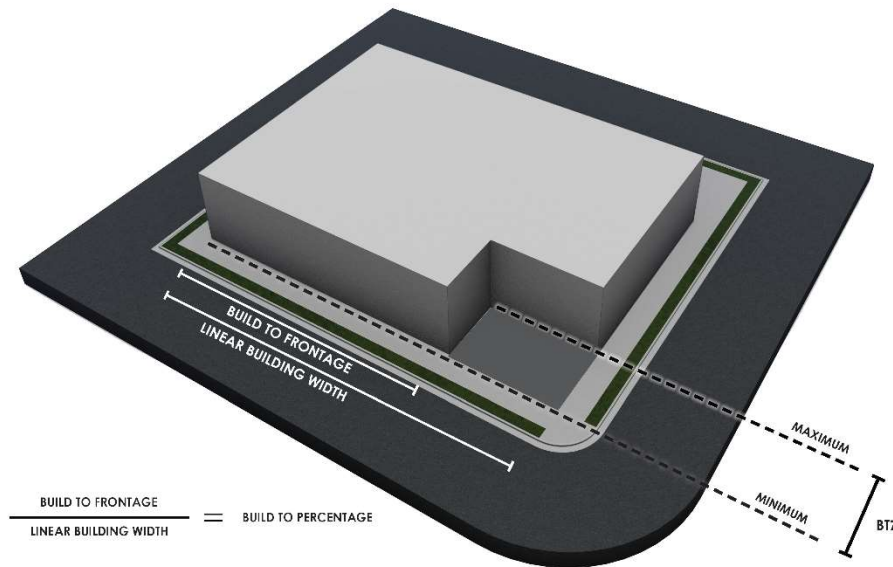
Figure II.1.8 Building Placement



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	

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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	

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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	

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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	

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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	

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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.

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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.

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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 HUNDRED (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.

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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	207

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										
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

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																							
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	P	P	P
Home Furnishings and Accessories Sale/Rental/Repair	II.2.2.2(B)(5)(1)										P	P											P	P	P
Musical Instrument Repair and Sales	II.2.2.2(B)(5)(1)										P	P											P	P	P

Key: P = Permitted; C = Conditional Use;
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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)

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	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	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

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)

Retail Cont.

Movie Theatre	II.2.2.2(B)(7)(4)										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									P	P	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		P										P	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)									C												D	D
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	P	P										P	P

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)

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

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)

Industrial and Flex Cont.																								
Warehouse and Distribution	II.2.2.3(Y)																		C	P				
Mini-Warehouse/Self Storage	II.2.2.3(Z)										C								D	D				
Flex Facility	II.2.2.3(AA)																		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	
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 1.4.8 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.

Y. Warehouse and Distribution. In those Districts where Warehouse and Distribution including Logistics is permitted, the following additional standards shall apply:

1. Accessory Uses. Accessory uses may include (but are not limited to) associated office, outdoor storage associated with primary use, parking.
2. Examples. Bulk storage, freight storage, outdoor storage yard, transfer and storage businesses, and commercial packing for food items.

3. Uses Not Included.

- a. Warehouse storage, classified as Warehouse Storage – Indoor Only.
- b. Self-storage or mini-warehouses, classified as Mini-Warehouse/Self Storage.

4. Use Standards.

- a. Outdoor storage yards shall comply with the architectural design standards adopted as part of these LDRs.
- b. Outdoor storage yards are not intended to include junkyards or scrap or salvage operations.
- c. Loading and unloading shall not be conducted in areas that abut a residential use or district.
- d. Outdoor storage may not exceed the maximum fence height of eight (8) feet except where otherwise approved by the MPC.
- e. The Director may impose other conditions and standards as deemed appropriate including but not limited to access, buffering, lighting, traffic circulation or similar.

Z. Mini-Storage/Self Storage. In the Districts where Mini-Storage/Self Storage is permitted By-Right or Conditional Use, the following standards shall apply:

- 1. Accessory Uses. Accessory uses may include associated office and parking.
- 2. Use Standards.

- (1) All storage of items shall be within a fully enclosed building.
- (2) Lighting shall be directed away from adjacent residential uses
- (3) Surfaces including drive aisles, loading/unloading and the like, shall be constructed of asphalt, concrete or other durable surface material; gravel shall not be permitted.
- (4) The Director may require an additional landscape and buffering Type (Heavy) where the property fronts a public street and or is adjacent to residential uses.

AA. Flex Facility. In those Districts where Warehouse and Distribution including Logistics is permitted, the Director may apply additional design and development standards and criteria based on the nature of the use(s) provided as part of the Flex Facility.

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.

Automated Teller Machine With Drive Thru																								
Automated Teller Machine Without Drive Thru										D	D	D	D	D	D					D				
Barn and stable	II.2.3.4(B)	P	P							D						D								
Dog run	II.2.3.4(C)		D	D	D	D	D			D	D	D												
Drive through	II.2.3.4(D)									D	D													
Dumping stations										D	D	D	D	D	D	D		D	D	D	D			
Flagpole	II.2.3.4(E)		D	D	D	D	D	D	D	D	D	D	D	D	D	D		D	D	D	D			
Gate house			D	D	D	D	D	D	D		D	D	D		D									
Gazebo			P	P	P	P	P	P	P	P	D	D		P		P	P				D			
Group home			D	D	D	D	D	D	D															
Maintenance shed	II.2.3.4(F)									D						D	D	D	D	D				
Multi-family			C	C	C	C	C	P	P															
Play equipment			P	P	P	P	P	P	P	P					P		P							
Roadside stand	II.2.3.4(G)	D								D														
Sidewalk café	II.2.3.4(H)										D	D				D	D				D	D	D	
Self-service laundry											D	D	D		D						D			
Solar panels	II.2.3.4(I)		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)
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.



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

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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;

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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

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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

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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

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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

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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;

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- (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;

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

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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,

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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

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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

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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

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

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- 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 grille, 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.

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- (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.**

- (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.

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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.

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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.

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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

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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

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- 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*.

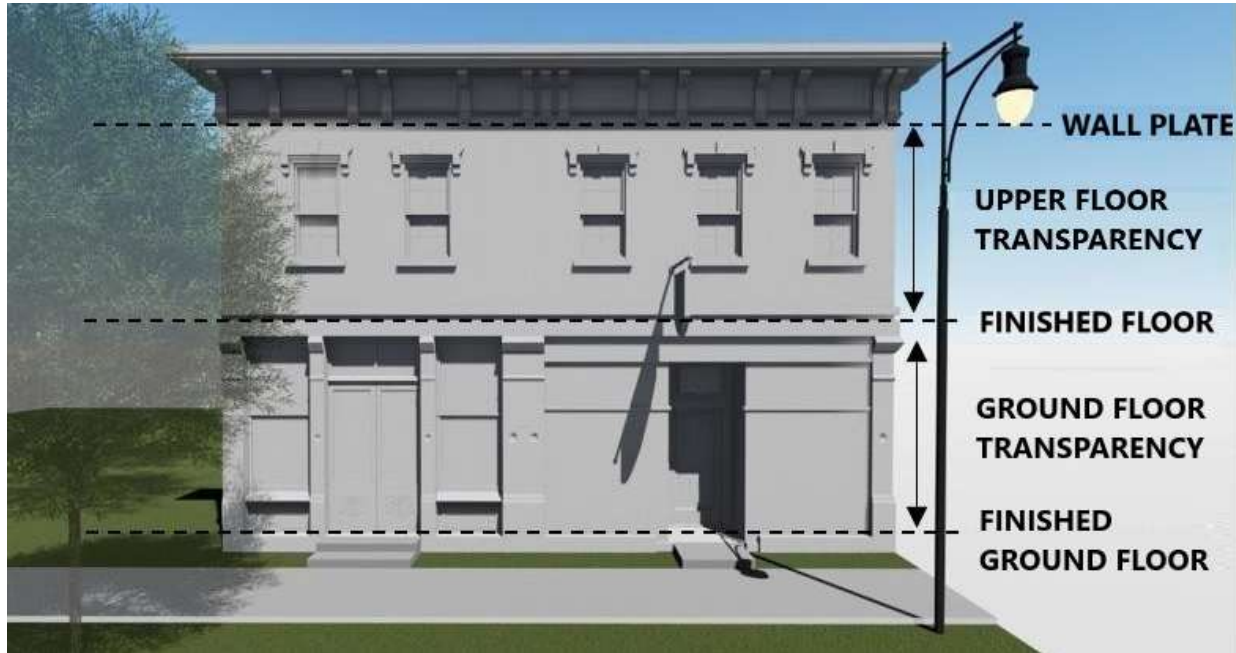
Figure III.1.2 Façade Design



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.

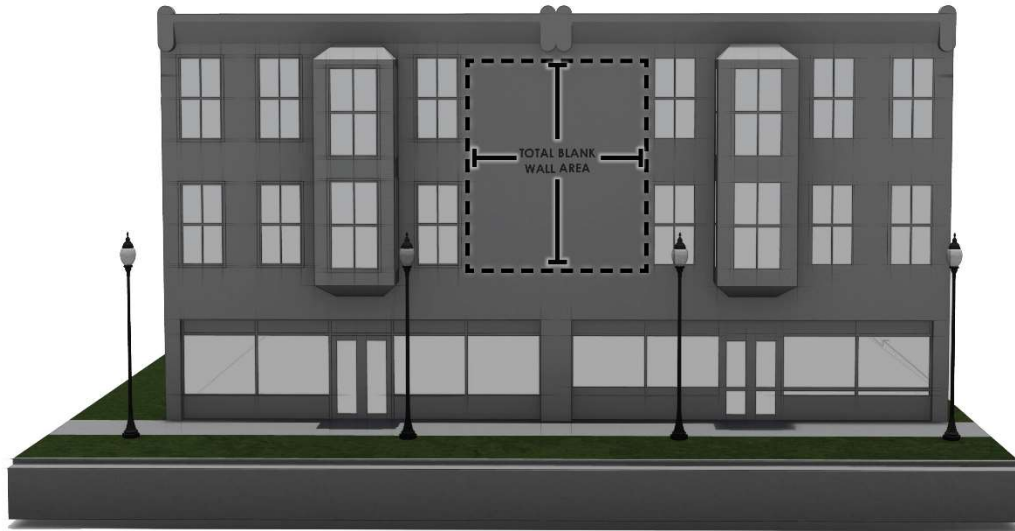
Figure III.1.3 Transparency



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

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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

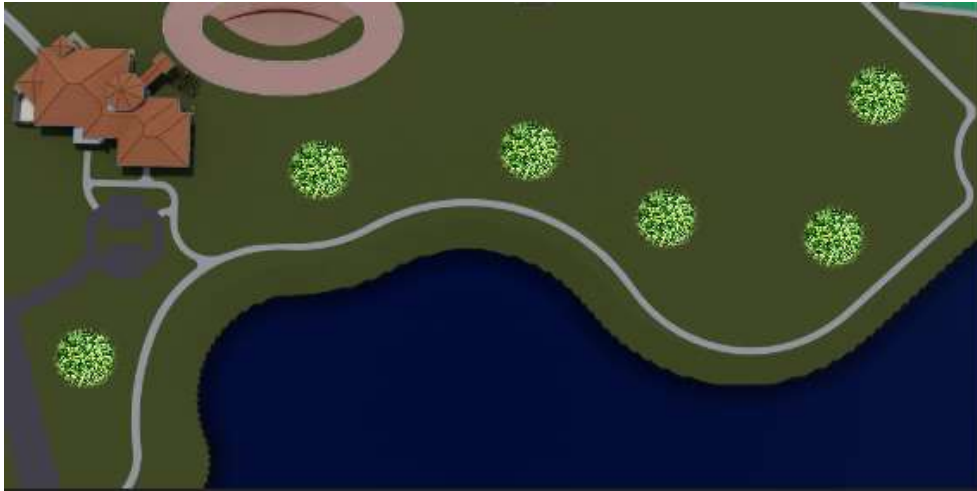
A. **Intent.** Linear Park/Greenway is an open space type that provides primarily natural linear medium or large-Scale open spaces that serve to enhance connectivity between Open Space Types and other Uses. Linear Parks are linear open spaces that often follow a natural feature, such as a river, stream, 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

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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.

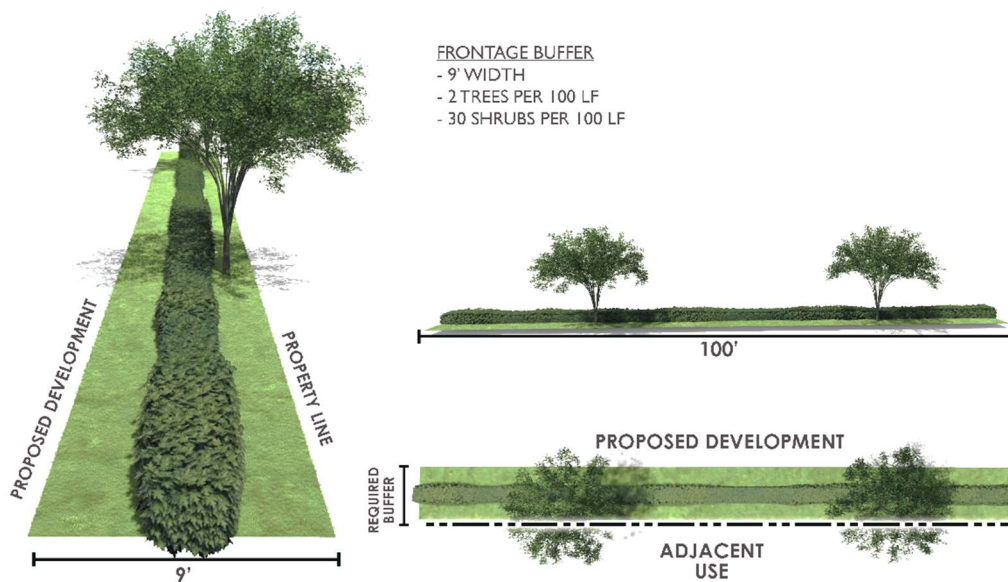
3.10. FRONTAGE BUFFER

- 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

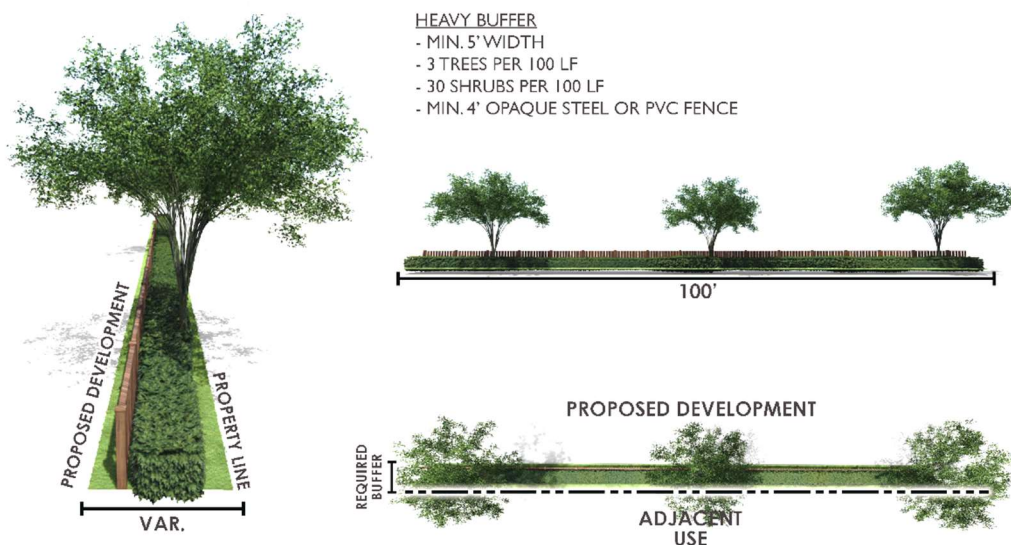
required landscape screen.

- (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.

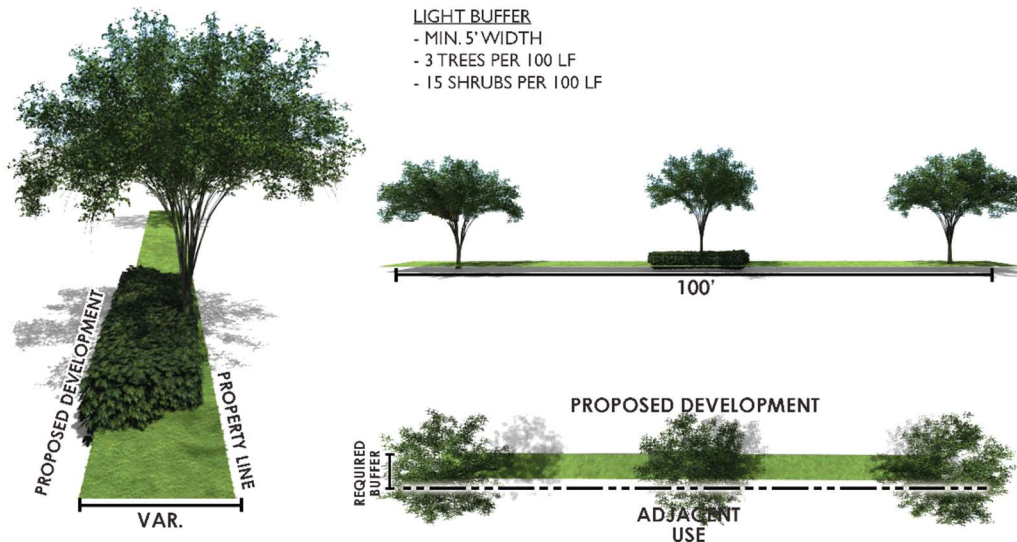
E. **Fence.** One of the following shall be installed.

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.

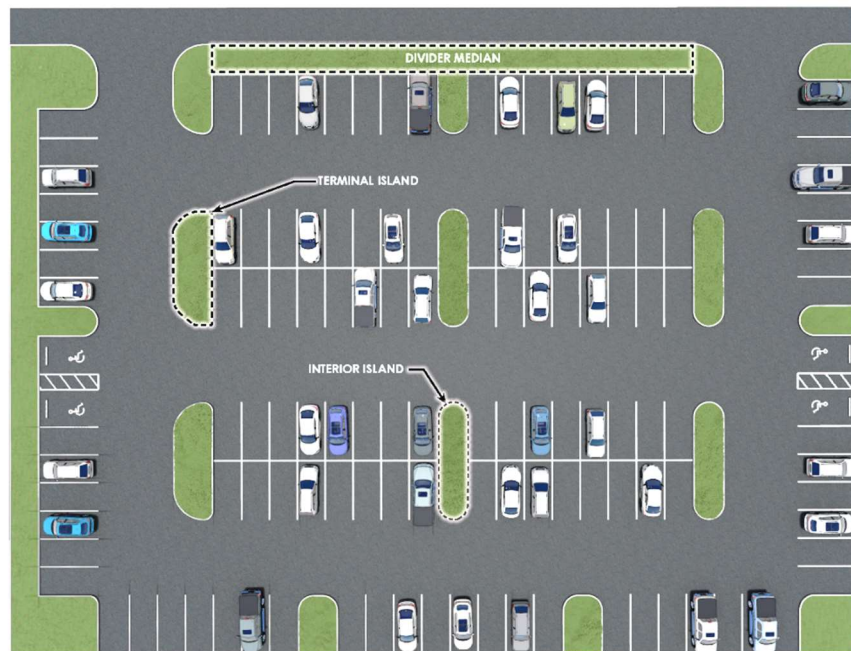
Figure III.3.3 Light Landscape Screen within the Side & Rear Yard Buffer



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

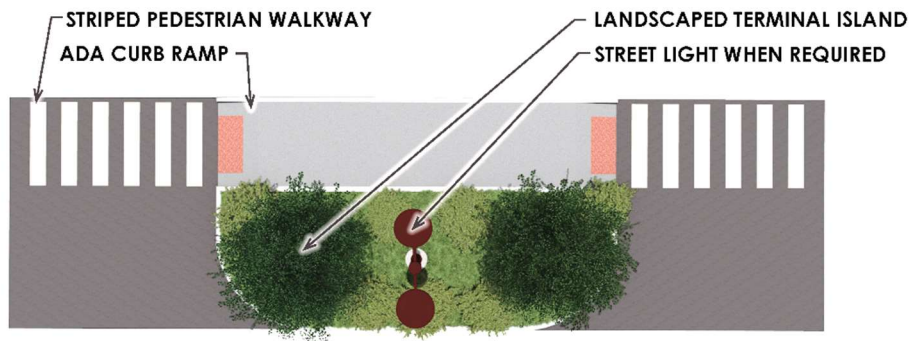


C. **Island and Median Requirements.** Parking Lot landscape islands and medians shall be installed as follows.

1. **Location.**

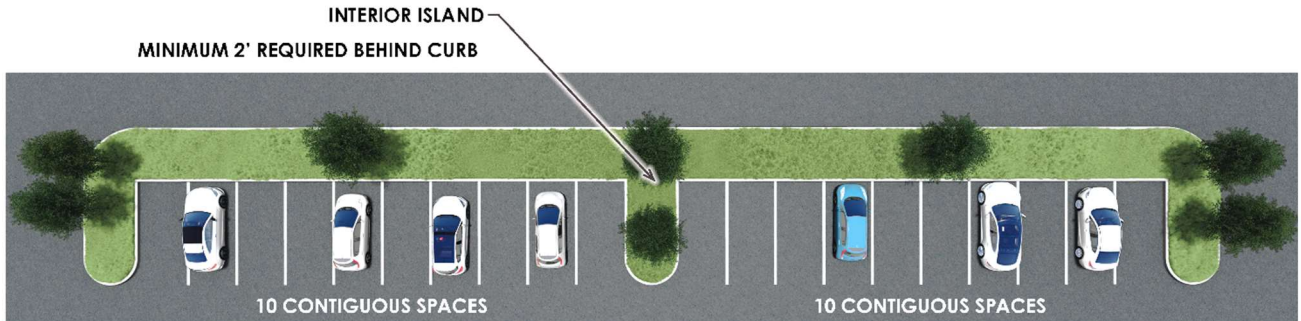
- (1) Landscape islands are required at the terminal ends of any free-standing rows or bays of parking. Free-standing rows or bays of parking are those that are not abutting the parking lot perimeter and may have a single or double row of parking.
 - i. Parking areas not visible from the street, excluding 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:

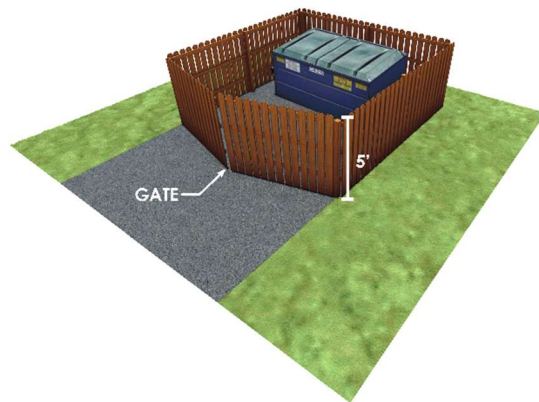
1. Required plant material shall be placed adjacent to the perimeter of the parking area.
2. Parking perimeter plantings shall consist of a single continuous row of shrubs planted no greater than three (3) feet on-center and within five (5) feet of the parking lot edge and may also include trees.
3. 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)(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

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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

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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

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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

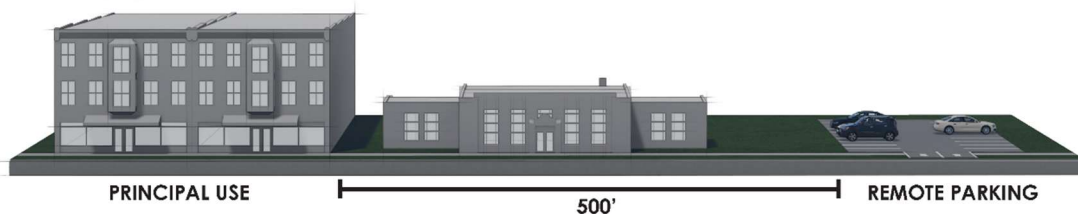
parking within one thousand (1,000) feet of the building. On-street parking must be accessible via a sidewalk, pedestrian path, or similar.

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).

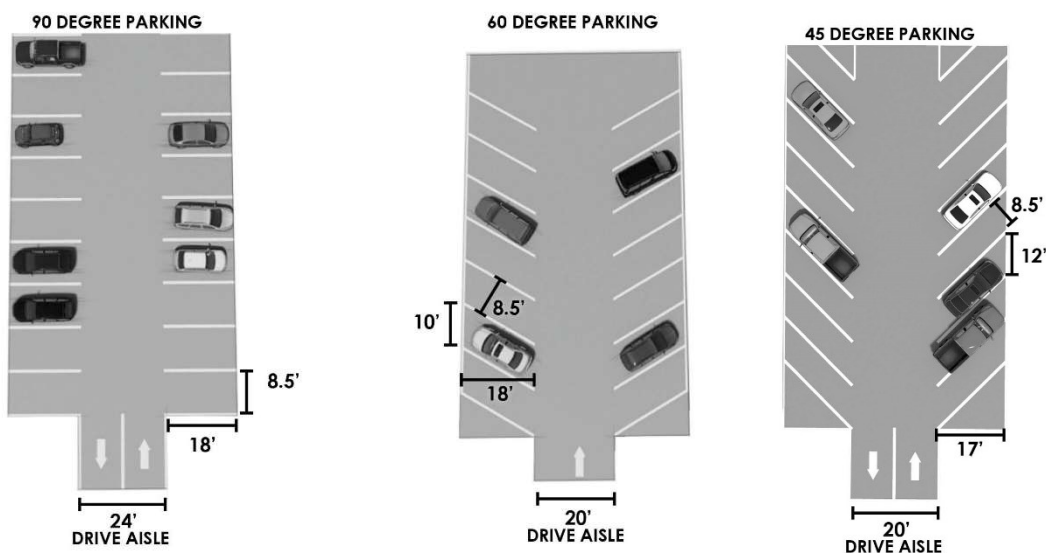
B. Dimensional Standards.

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.

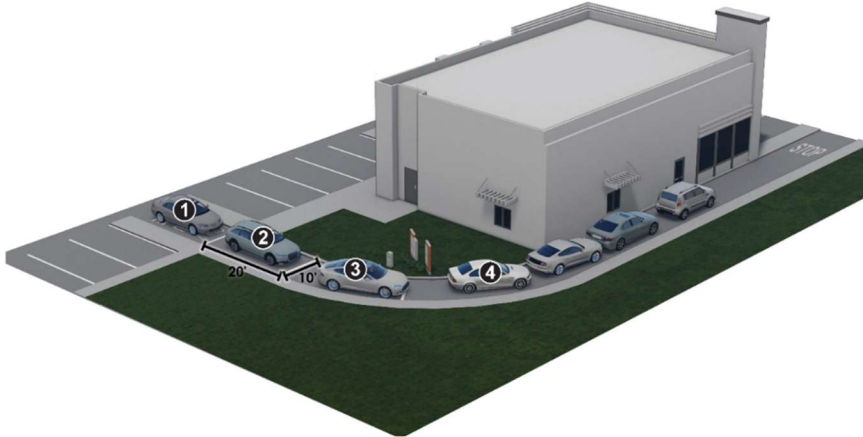
4.7. VEHICULAR STACKING REQUIREMENTS

- 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;

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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 too 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

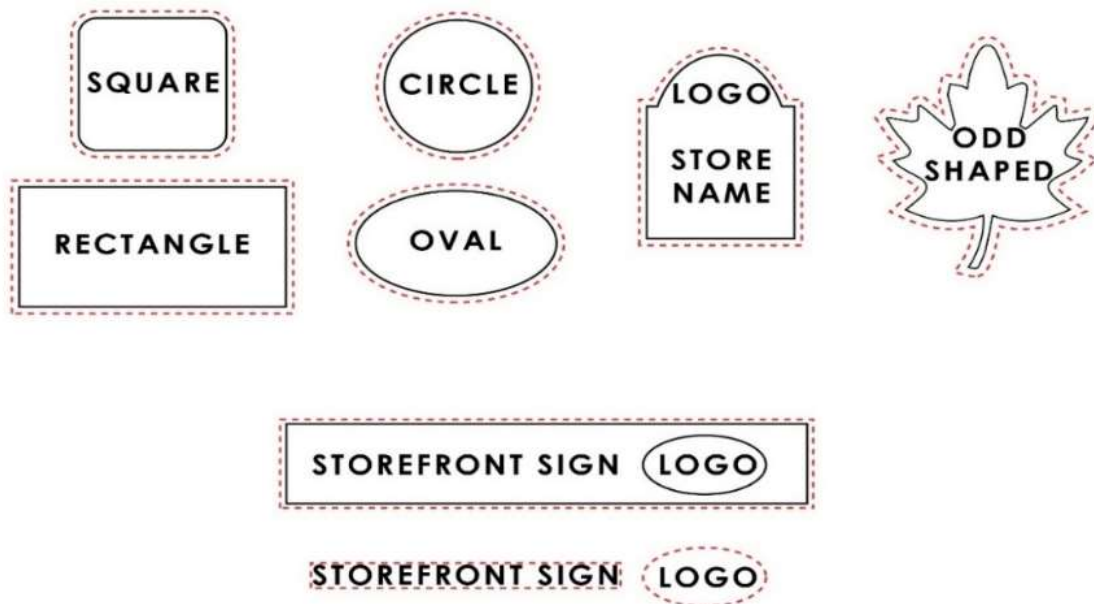
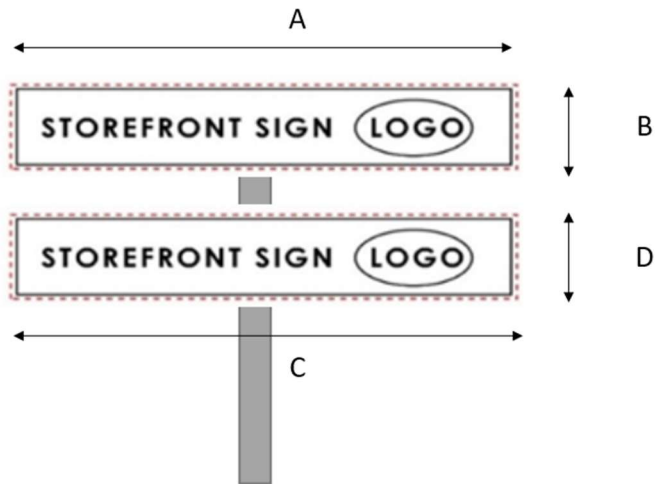
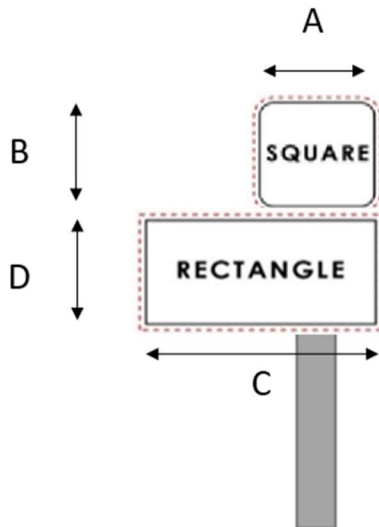


Figure III.5.2 Sign Area Calculation for Multiple Signs on Single Pole Illustration



Total Sign Surface Area =
 $(A)(B) + (C)(D)$

Figure III.5.3 Sign Area Calculation for Multiple Signs on Single Pole Illustration

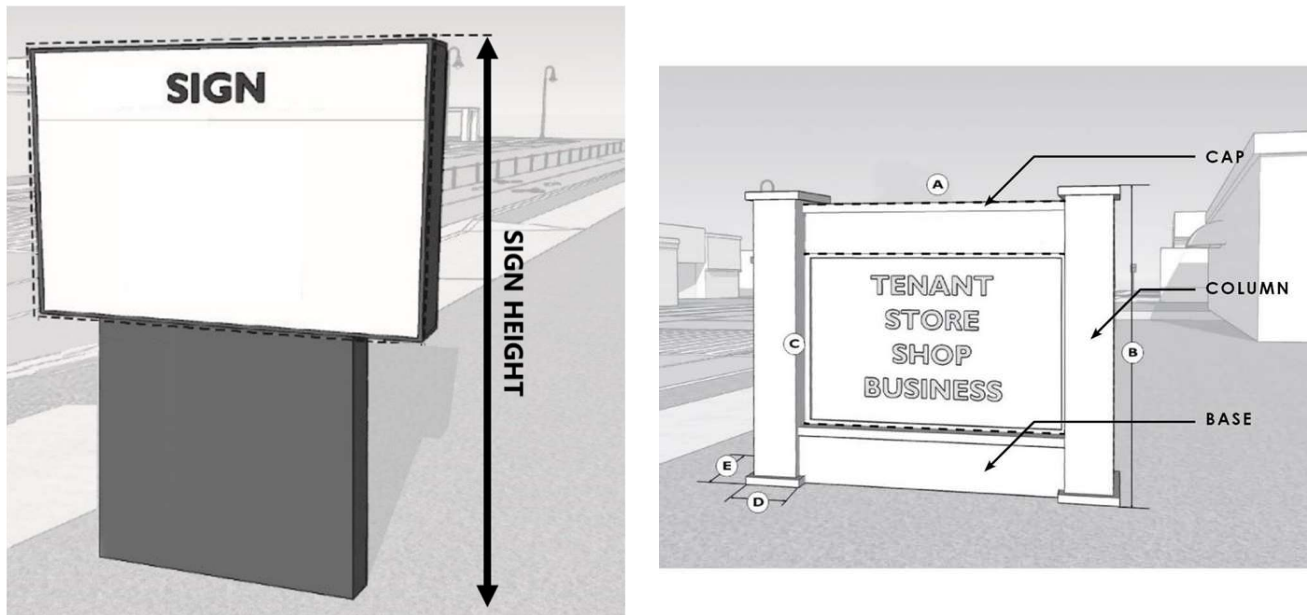


Total Sign Surface Area =
 $(A)(B) + (C)(D)$

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.

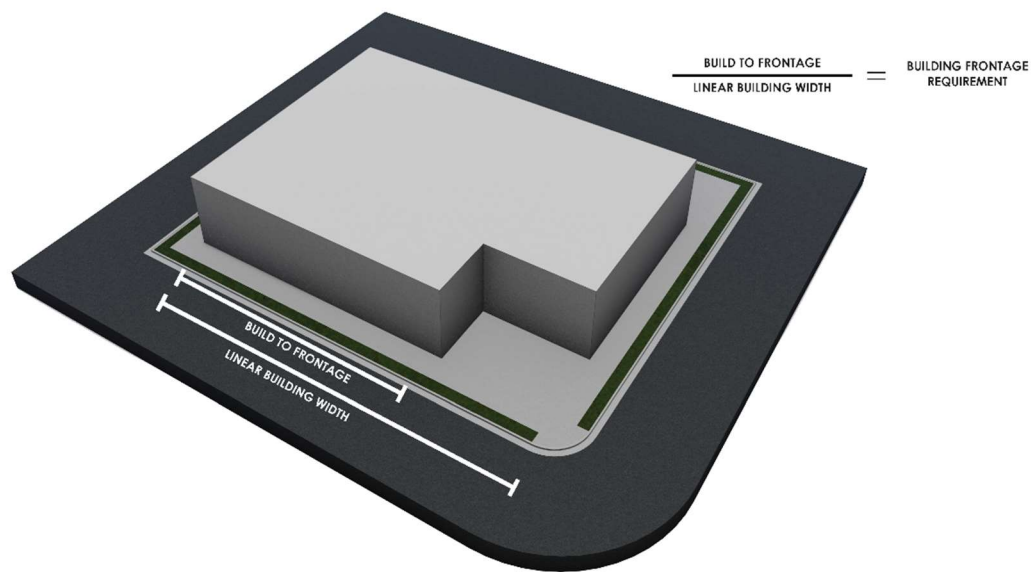
Figure III.5.4 Sign Height Illustration



- 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
Window										P	P	P	P	P		P	P				P	P	P	P
Projecting										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
Subdivision	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
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.

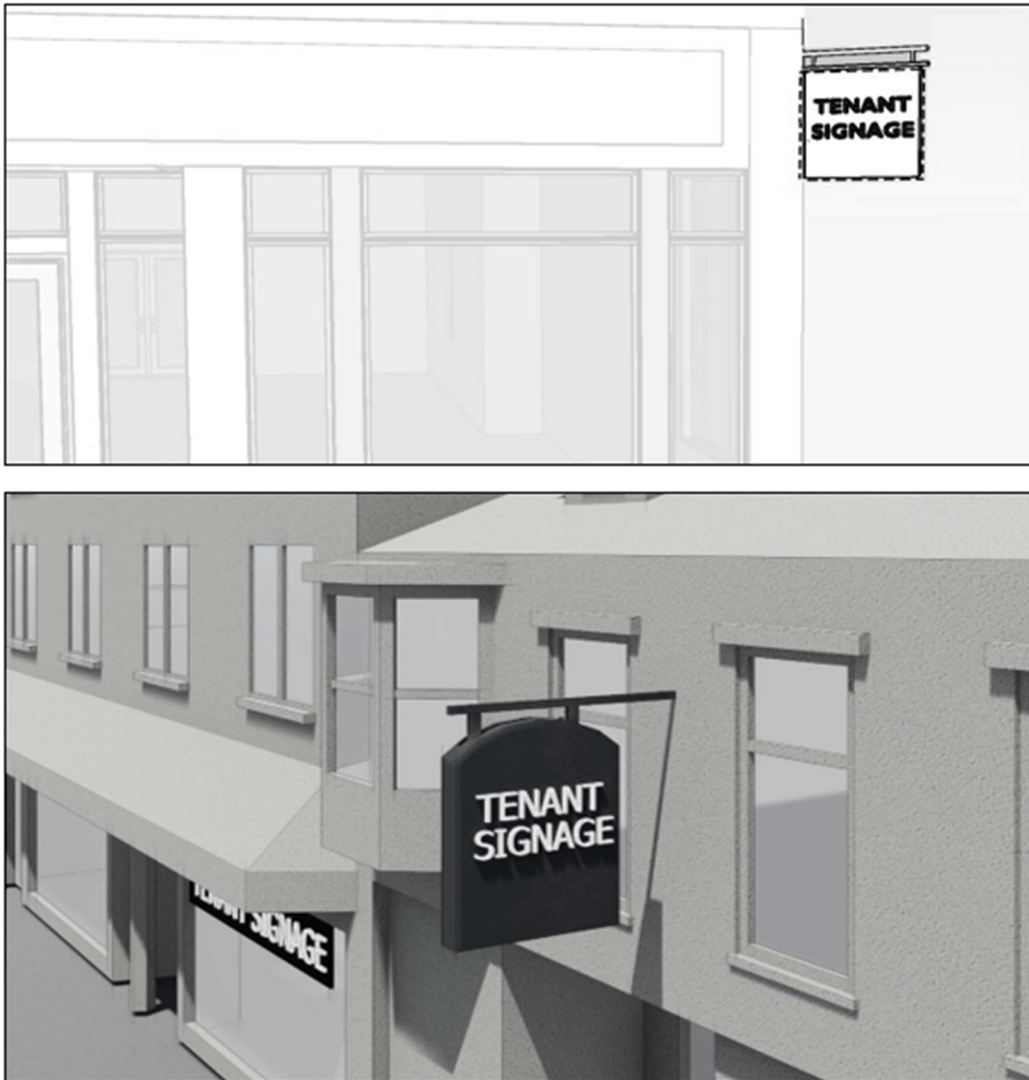
Figure III.5.8 Canopy/Awning Sign



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.**

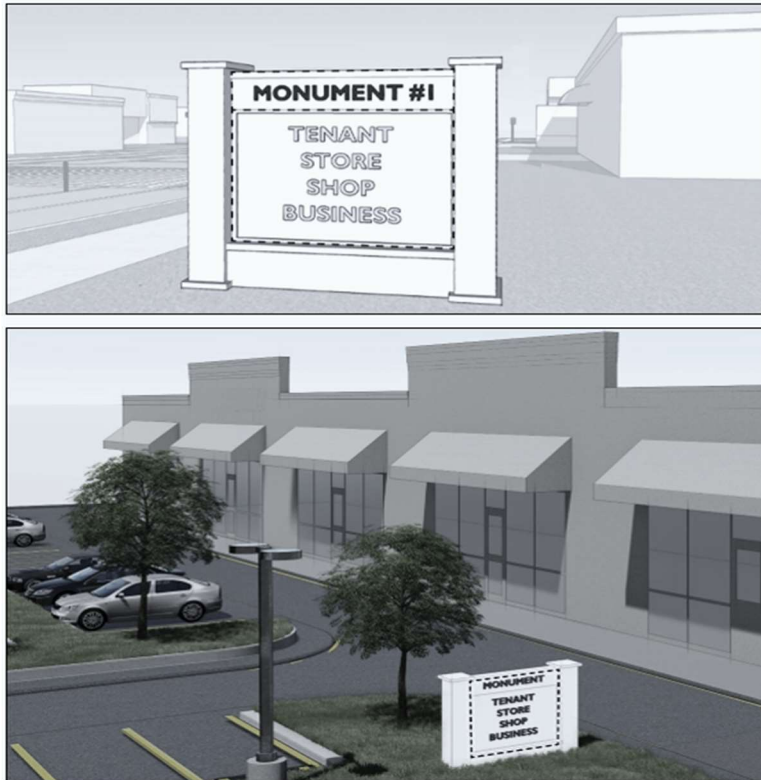
(1) **Permitted.** Shopping Center Signs may be permitted on commercial sites that meet all of the following criteria:

- 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.

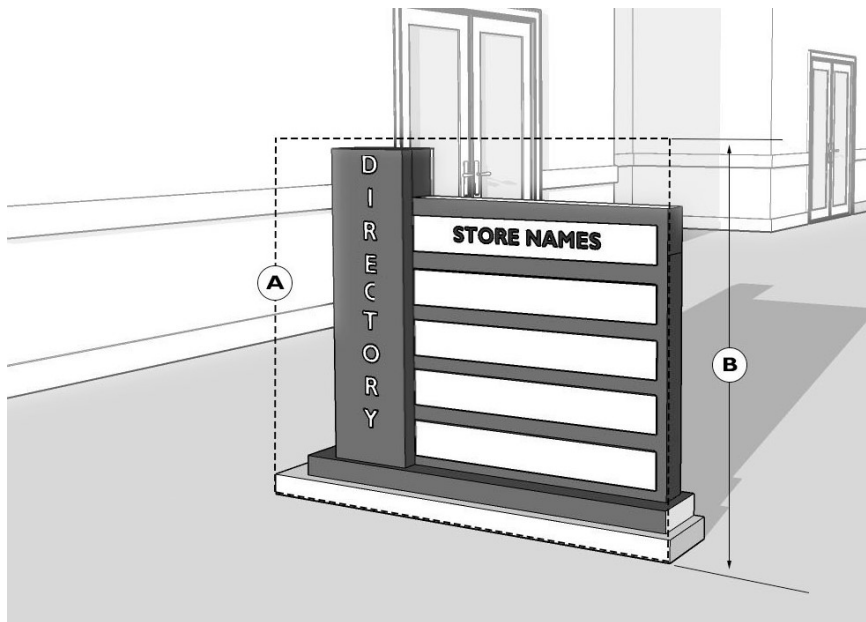
Figure III.5.10 Monument Sign



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

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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.

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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

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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.

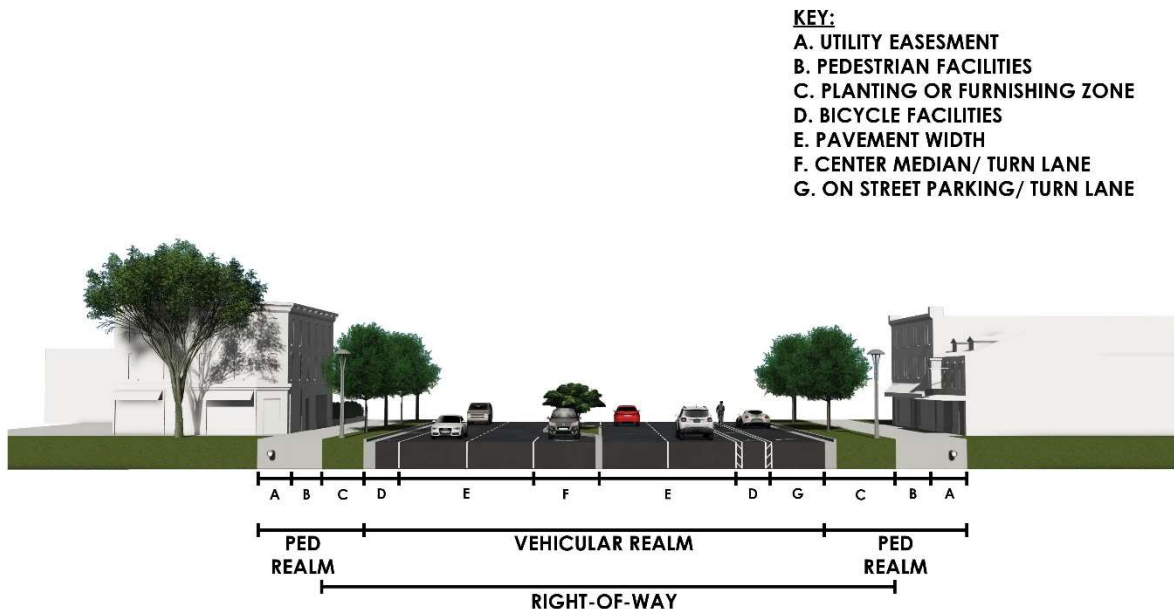
Table IV.1.1 Street Type Standards

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.

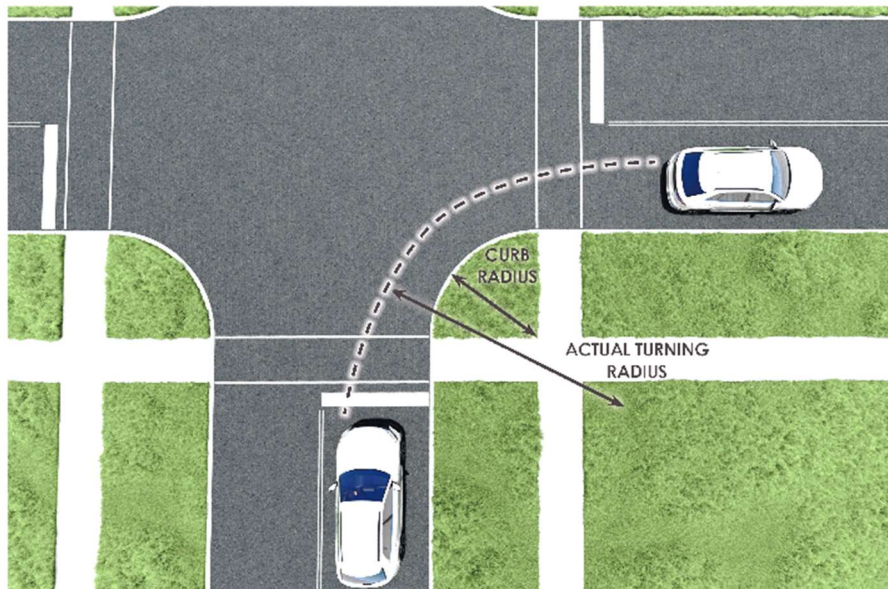
1.5. INTERSECTION DESIGN

- 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

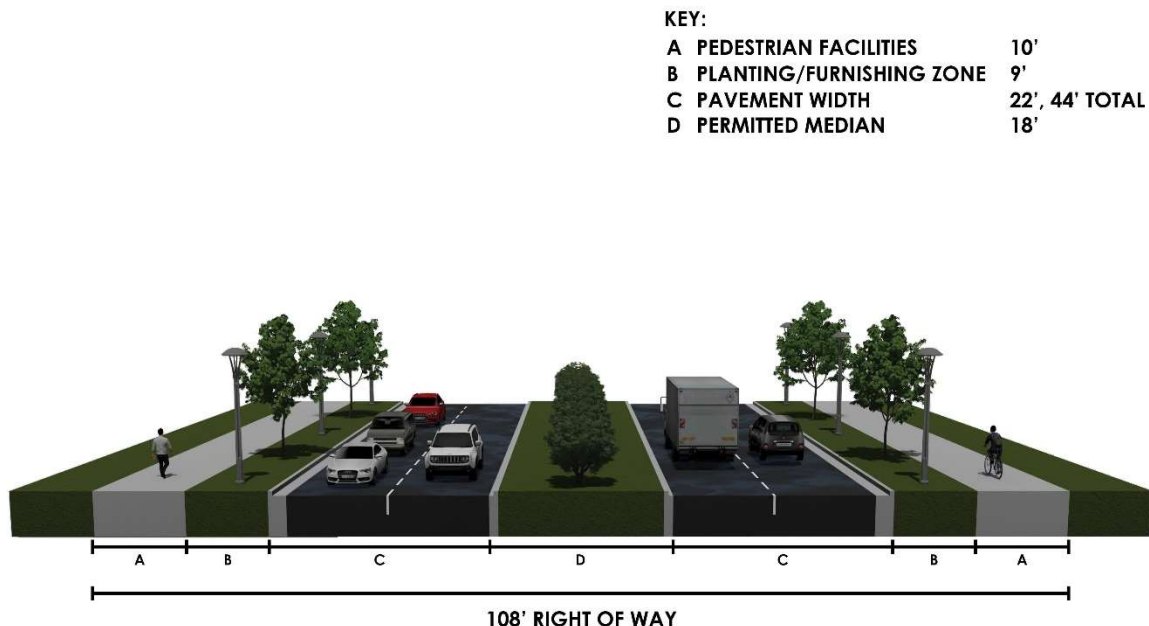


Table IV.1.3 Minor Arterial Street Standards

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

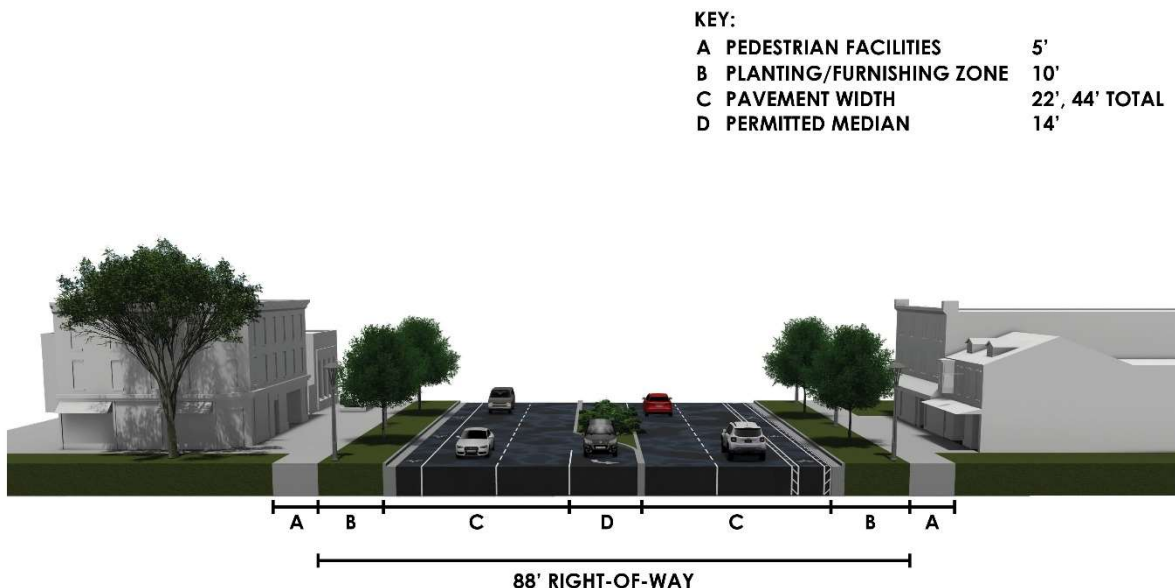


Table IV.1.4 Major Collector Street Standards

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

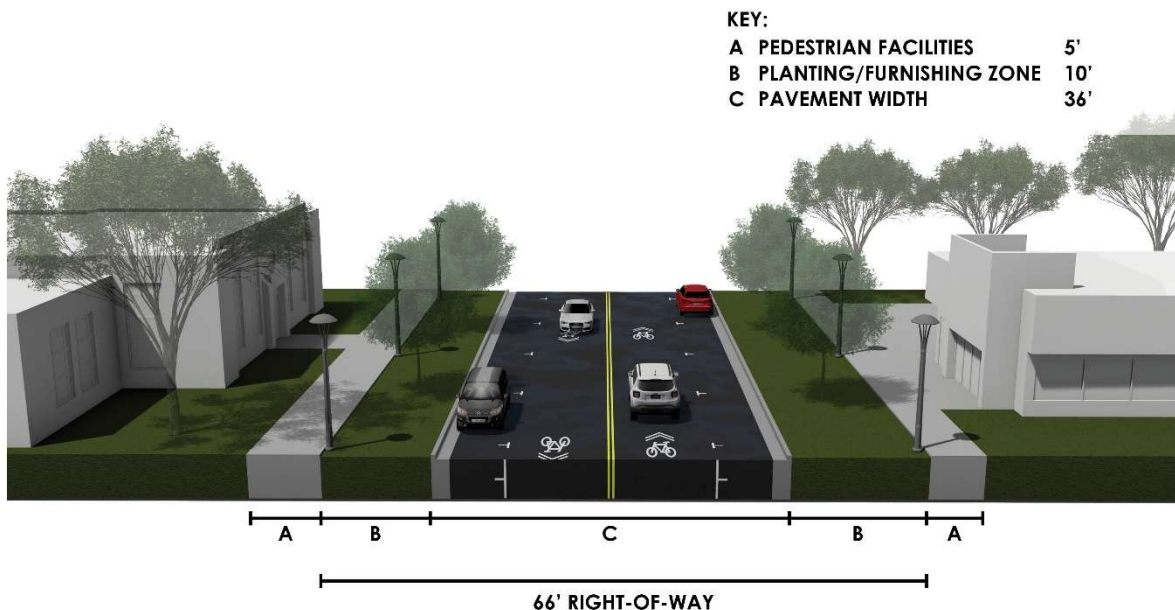


Table IV.1.5 Minor Collector Standards

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 Lanes¹	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 Facilities²	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 Requirement⁶		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

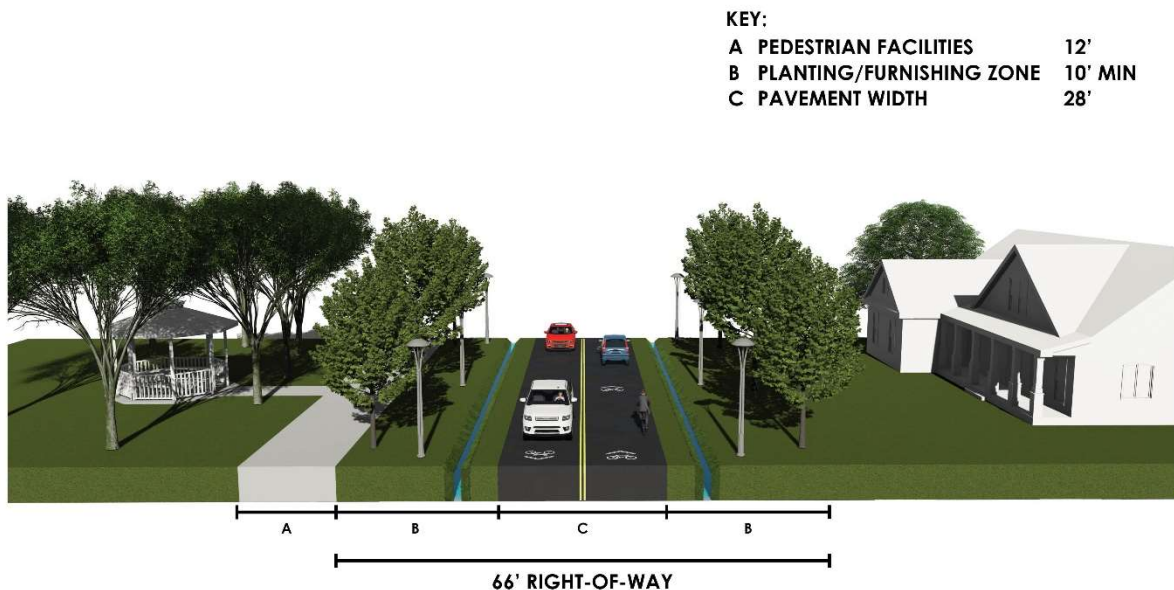


Table IV.1.6 Rural Minor Collector Street Standards

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 <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. 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

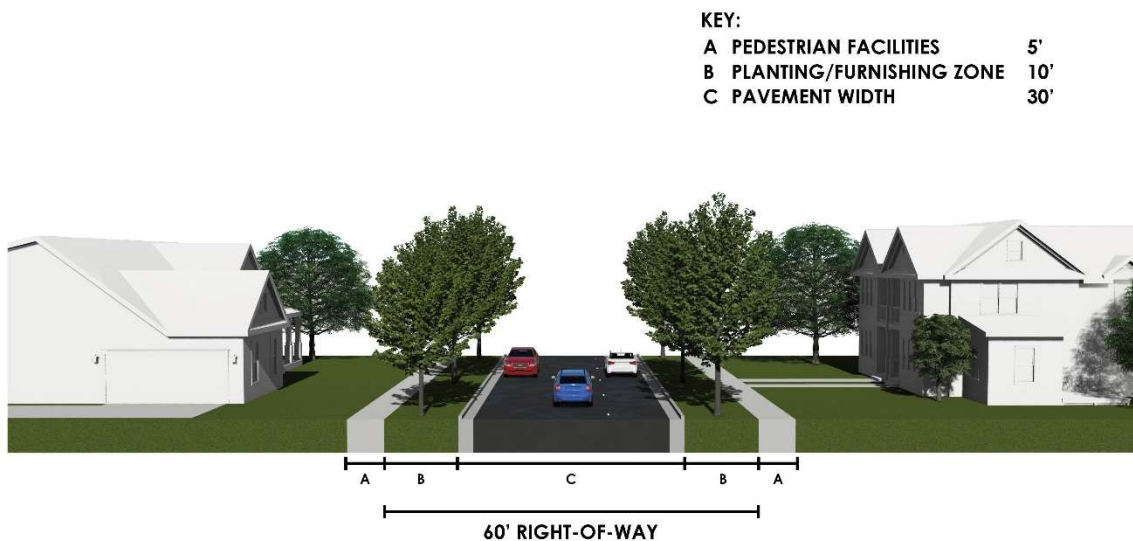


Figure IV.1.8 Typical Local Street Alternative

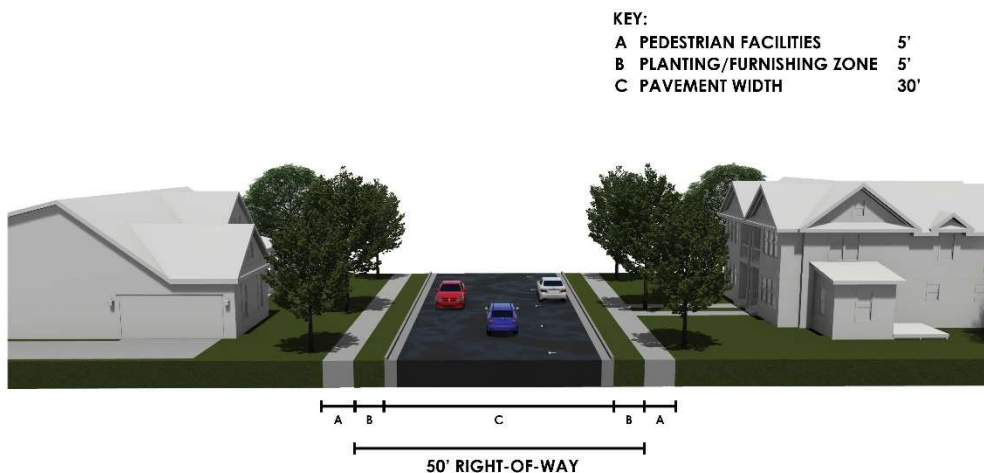


Table IV.1.7 Local Street Standards

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

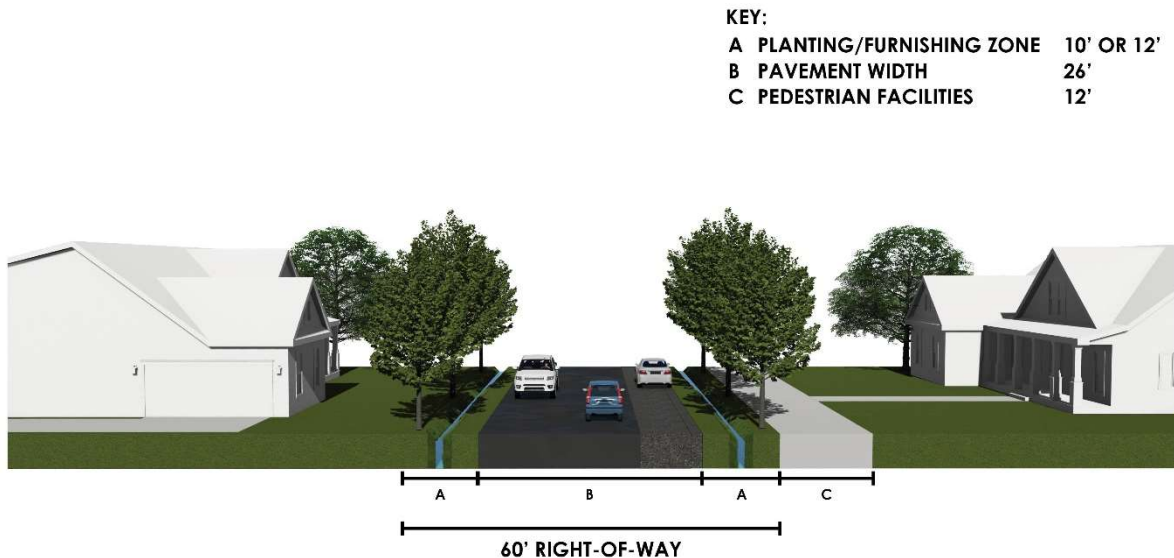


Table IV.1.8 Rural Local Street Standards

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

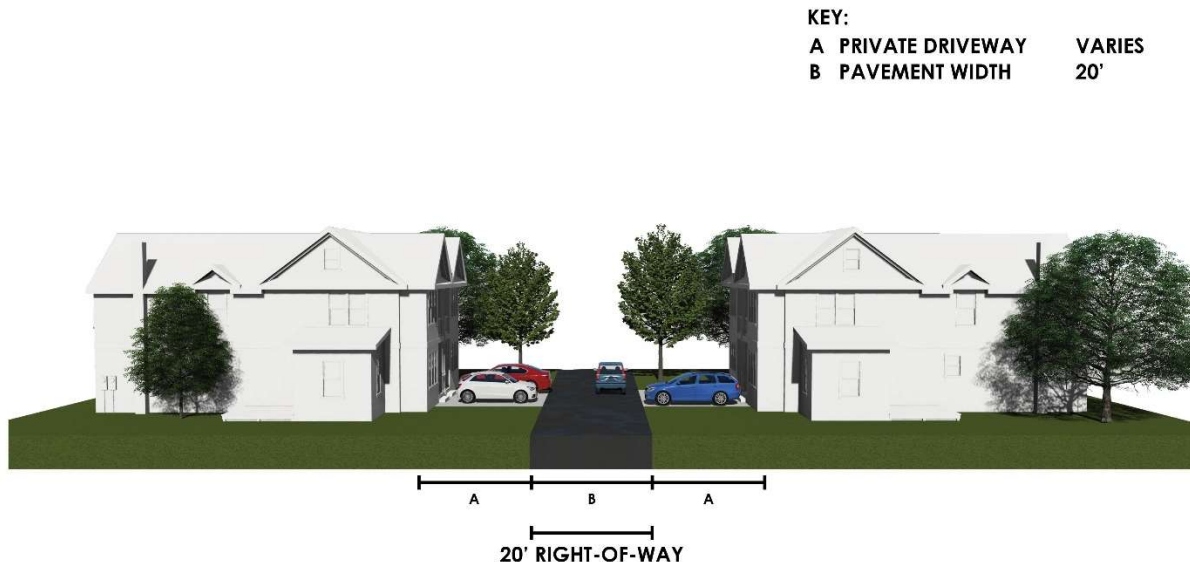


Table IV.1.9 Alley Standards

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

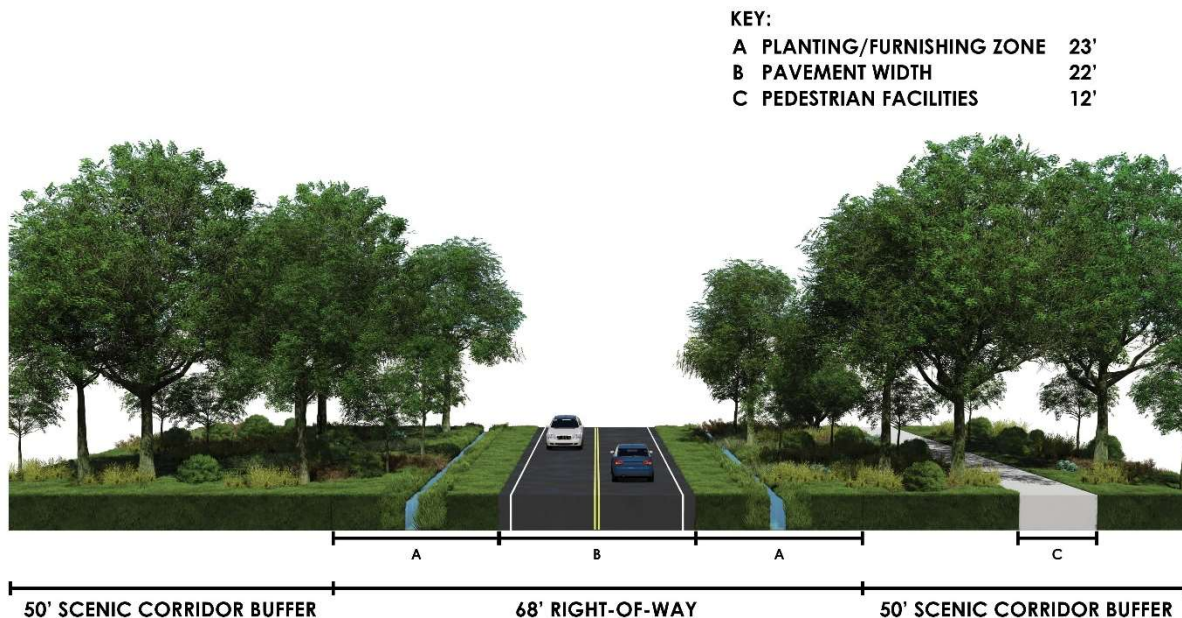


Table IV.1.10 Scenic Corridor Standards

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 Lanes¹	Not permitted
	Curbs/Shoulders	None, Ribbon or 18" wide asphalt shoulder
	Permitted Median	None
Pedestrian Realm	Bicycle Facilities²	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 Trees³	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

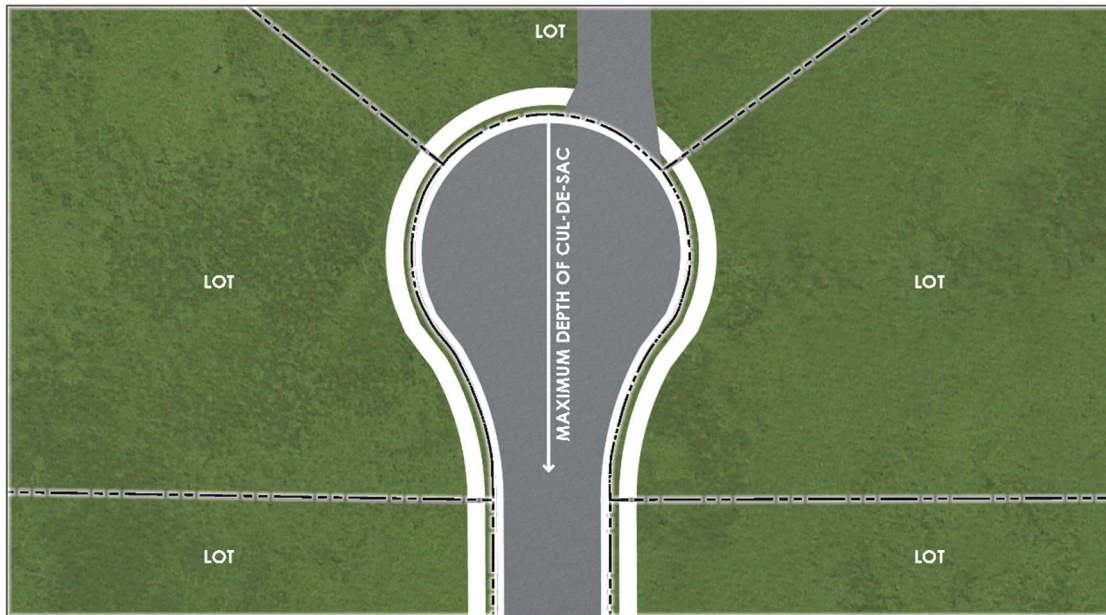
- A. **Intent.** The Conservation Street Overlay, applied to any Street Type, allows flexibility in the horizontal design of a street, including definition of the Right- of-Way width, pavement location, and pavement width, to respect the existence of natural features and maintain the character of the 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

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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

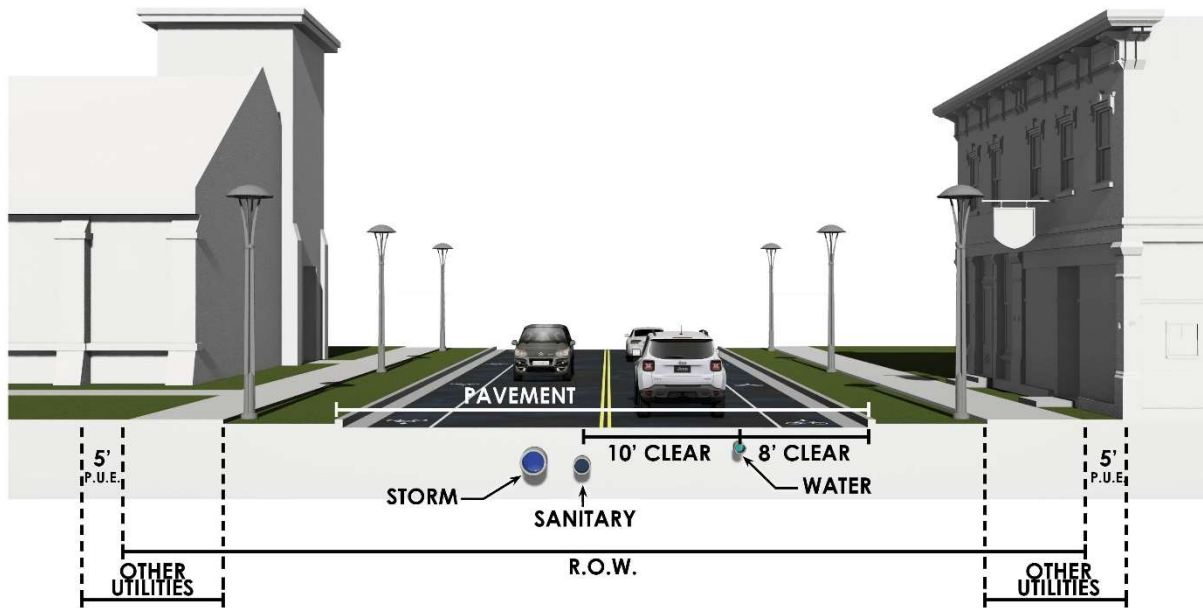
utility for furnishing communication services.

- 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

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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.

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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

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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

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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.

Meeting Cycle: Thursday, February 6, 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 recommends the Board of Commissioners approve Resolution R-2-2025.

BUDGET IMPACT

The expenditure is appropriated in the Fiscal Year 2025 General Fund.

DISCUSSION

On January 16th, 2025, the Board of Commissioners requested staff to explore different financial options to move forward with the project. The Engineering Department has looked at the budget and found a way to cover the cost of the project with no impact on the current fiscal year budget or budget amendment needed.

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 FY25 Adagio Lane Improvements Project; and,

WHEREAS, Wagner General Contractors, Inc. is willing and able to provide these services as specifies in the Contract; and,

WHEREAS, funding is appropriated in the FY25 General 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 Wagner General Contractors, Inc. in the amount of fifty-three thousand four hundred and seventy dollars (\$53,470) for the FY25 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 6th day of February 2025, the public welfare requiring it.

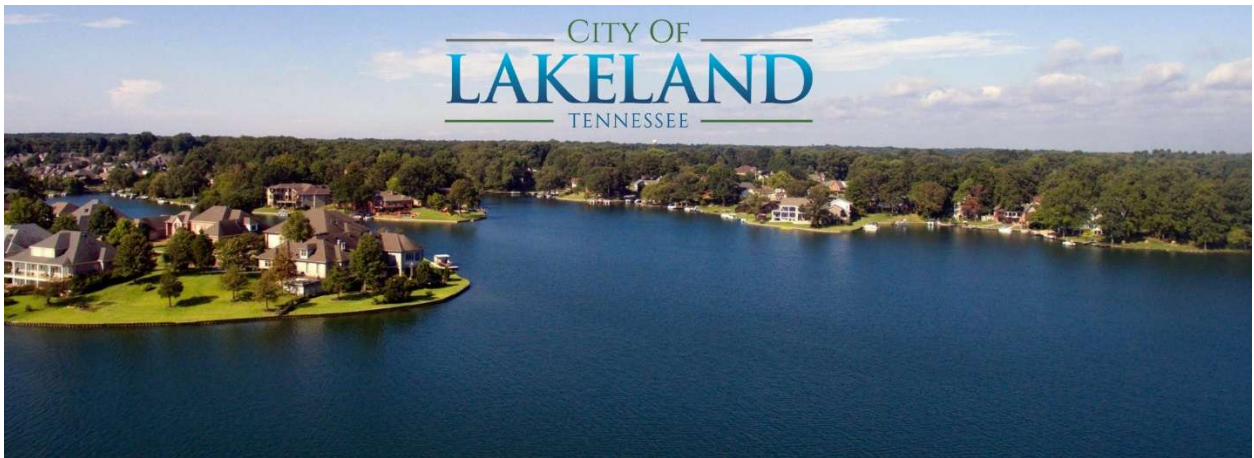
ATTEST:

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

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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 NTCF 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 NTCF 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 NTCF for a period of five years.

4. Project Screening and Evaluation

Each NTCF 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)

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



Board of Commissioners

Meeting Cycle: Thursday, February 6, 2025

Subject: **Resolution** - approving an agreement with Gibson Paving, Inc. for the Fiscal Year 2025 ("FY25") Street Paving Project.

Staff Contact: Luis Camarillo Hernandez, Staff Engineer

STAFF RECOMMENDATION

City staff recommends the Board of Commissioners approve Resolution R-18-2025.

BUDGET IMPACT

This expenditure is appropriated in the annual budget FY25 State Street Aid Fund.

DISCUSSION

The City of Lakeland Fiscal Year 2025 pavement project includes repaving Evergreen Road and streets in Stonebridge 1A, A, A1, E, and Plantation Oaks Subdivisions. The City received four (4) sealed bids on January 28, 2025. Bids received are listed in the table below.

BIDDER	BID AMOUNT
VuCon, LLC.	\$1,268,986.00
Double T Construction, LLC.	\$1,553,829.34
Standard Construction Company, Inc.	\$1,276,255.00
Gibson Paving, Inc.	\$1,175,998.00

The City has reviewed the bids and recommends awarding the agreement to Gibson Paving, Inc. for being the lowest and qualified bidder.

RESOLUTION R-18-2025

APPROVING AN AGREEMENT WITH GIBSON PAVING FOR THE FISCAL YEAR
2025 ("FY25") STREET PAVING PROJECT

- WHEREAS,** The City of Lakeland, Tennessee, (the "City") desires to repave Evergreen Road and streets in Stonebridge 1A, A, A1, E and Plantation Oaks Subdivisions; and,
- WHEREAS,** Gibson Paving, Inc. was the lowest qualified bidder on January 28, 2025, for the FY25 Street Paving Project; and,
- WHEREAS,** Gibson Paving, Inc. is willing and able to provide these services as specified in the agreement; and,
- WHEREAS,** funding for this agreement is appropriated in the original budget for FY2025 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 Gibson Paving, Inc. in the amount of One Million One Hundred Seventy-Five Thousand Nine Hundred Ninety-Eight Dollars (\$1,175,998) for the FY25 Street Paving Project.

BE IT FURTHER RESOLVED that the Board of Commissioners authorize an additional One Hundred Thousand Dollars (\$100,000) 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 One Million Two Hundred Seventy-Five Thousand Nine Hundred Ninety-Eight Dollars (\$1,275,998).

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 6th day of February 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder



Old Brownsville R

Old Brownsvi

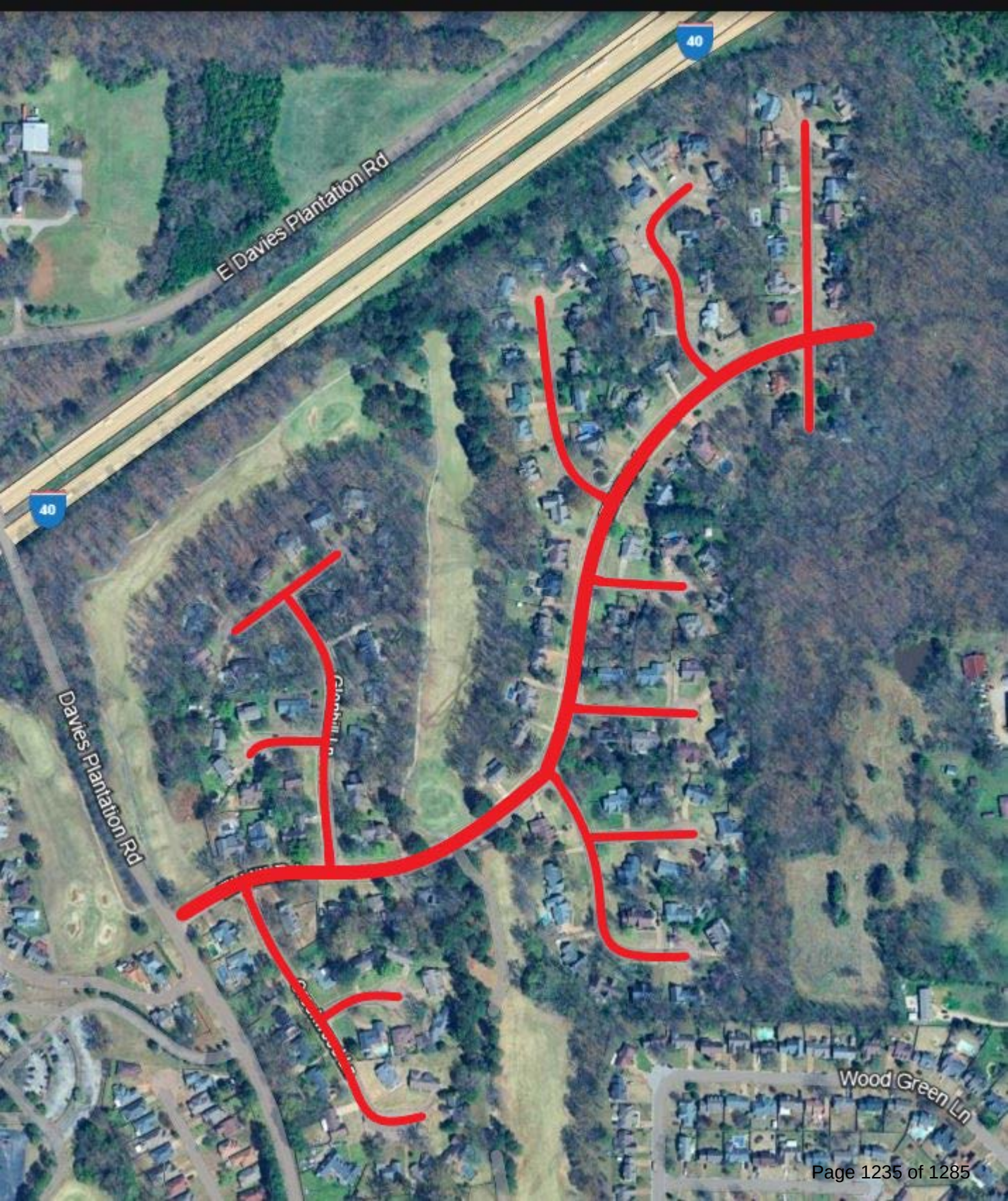
Mays Glade Dr

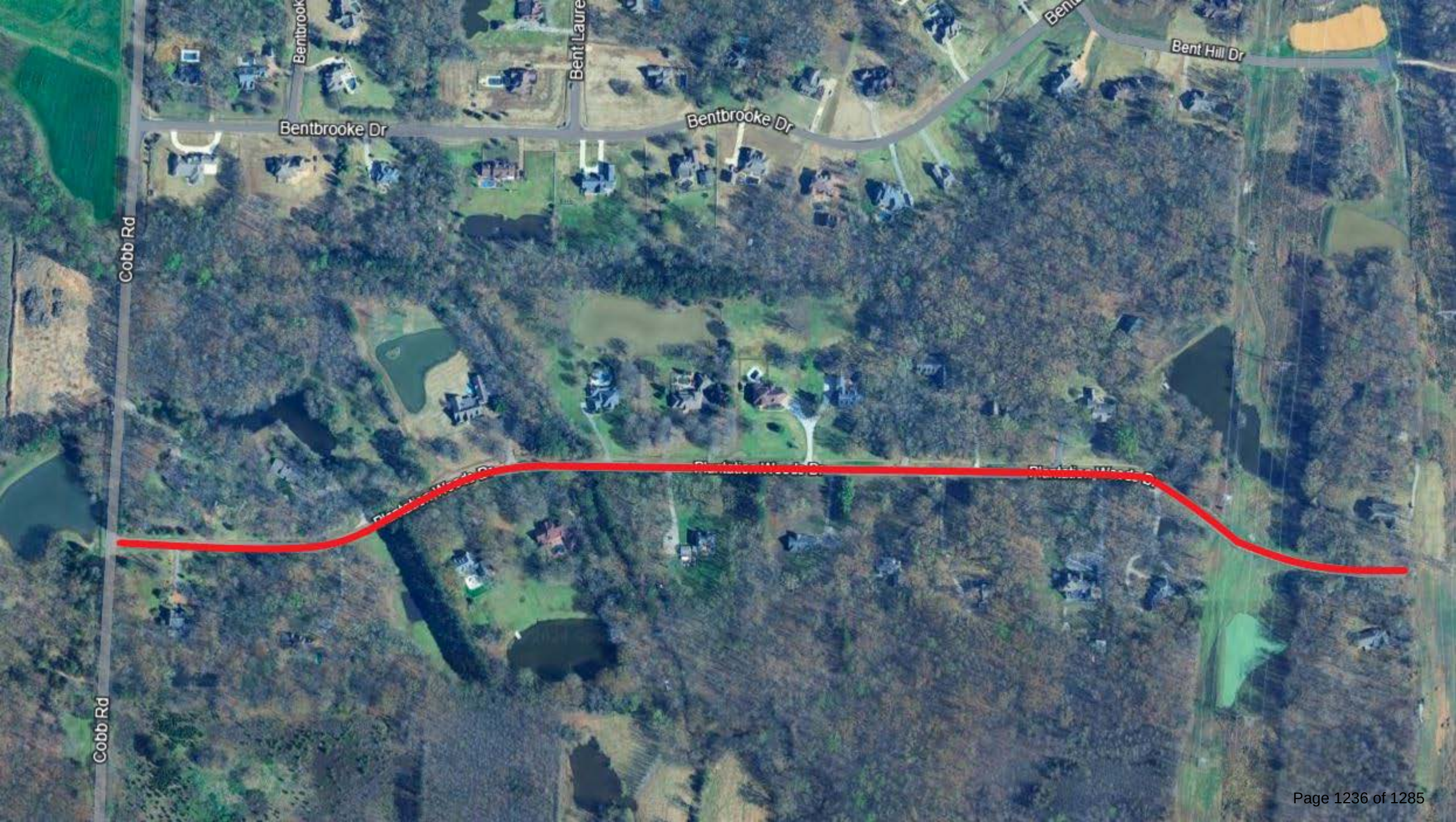
Evergreen Manor Cv

Conifer View Ln

Spruce View Way

70





STANDARD FORM OF
AGREEMENT BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is made between the City of Lakeland, hereinafter referred to as the "Owner," and Gibson Paving Inc. hereinafter referred to as the "Contractor."

WHEREAS, the City of Lakeland is desirous of paving; and,

WHEREAS Gibson Paving, 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 STREET PAVING 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 August 22, 2025 and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions by August 29, 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 Five Hundred Dollars (\$500.00) 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 Five Hundred Dollars (\$500.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment. Additionally, Contractor shall pay Owner for schedule delays as specified in Section 01010 C. 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 One Million One Hundred Seventy-Five Thousand Nine Hundred Ninety-Eight Dollars (\$1,175,998) 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, February 6, 2025

Subject: **Resolution** - approving a professional service agreement with Smith Seckman Reid, Inc. for the design of Scott's Creek Greenway project.

Staff Contact: Luis Camarillo Hernandez, Staff Engineer

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve resolution R-19-2025.

BUDGET IMPACT

This expenditure is appropriated in the Fiscal Year 2025 Annual Budget for the General Funds, which includes grant revenues for 80% of the total cost of the project.

DISCUSSION

One October 3rd, 2024, the Board of Commissioners approved an agreement with the Tennessee Department of Transportation ("TDOT") for the Scott's Creek Greenway project. The NEPA and design phases of this project are funded by Surface Transportation Block Grant ("STBG") in the amount of \$160,400. The City will apply for additional grant funding through the MPO to cover the difference in funding.

A Request for Qualifications was issued for professional engineering services on July 1, 2024. Five proposals were received and reviewed by the Consultant Selection Committee. Smith Seckman Reid, Inc. was selected based on their qualification and experience with shared-used paths and TDOT Local Programs projects.

RESOLUTION R-19-2025

APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH SMITH SECKMAN
REID, INC. FOR THE DESIGN OF SCOTT'S CREEK GREENWAY PROJECT

WHEREAS, the City of Lakeland, Tennessee (the "City") desires to hire a firm for professional services related to the Scott's Creek Greenway Project; and,

WHEREAS, Smith Seckman Reid, Inc. submitted a proposal for professional services on the Scott's Creek Greenway Project; and,

WHEREAS, Smith Seckman Ried, Inc. was selected by the consultant selection committee based on their qualifications to perform the work; and,

WHEREAS, funding is appropriated in the Fiscal Year 2025 Annual Budget for the General Fund:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland Tennessee, that the City Manager is authorized to execute, and the City Recorder attest, a professional service agreement with Smith Seckman Reid, Inc in the amount of Two Hundred Seventy-Four Thousand Seven Hundred Fifty-Three Dollars (\$274,753) for the design of Scott's Creek Greenway.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee on this 6th day of February 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

CONTRACT
BETWEEN CITY OF LAKE LAND
AND
SMITH SECKMAN REID, INC.

This agreement (the “Contract”) entered into this ____ day of _____, 2025 by and between the CITY OF LAKE LAND, hereinafter referred to as “CITY” and Smith Seckman Reid, Inc. hereinafter to as “CONSULTANT”.

WITNESSETH

WHEREAS, the CITY desires to employ the CONSULTANT to provide the CITY with professional engineering services for the Scott’s Creek Greenway Project, herein referred to as the “Project”; and

WHEREAS, the CONSULTANT was chosen by the Consultant Evaluation Panel on August 15, 2024.

WHEREAS, the CONSULTANT has the knowledge and expertise to provide such services; and

WHEREAS, the parties are desirous of entering into a contract setting forth the terms and conditions under which the CONSULTANT will provide said services.

NOW THEREFORE, for and in consideration of mutual promises and covenants herein contained, the parties hereto agree as follows:

I. SCOPE OF WORK

1. The Project will consist of the scope of work outlined in the attached document dated January 27, 2025. and labeled as “Attachment A – Scope of Services”.

2. The CONSULTANT shall provide the services as outlined above, which will be attached and incorporated herein by reference as if stated verbatim (the “Services”).

II. TERMS AND COMPENSATION

1. The CITY agrees to compensate the CONSULTANT for the provision of the Services tasked 1 through 5 in an amount not to exceed Two Hundred Seventy-Four Thousand Seven Hundred and Fifty-Three Dollars (\$274,753) (the "Fee") during the term of this Contract. However, if additional tasks 6 through 8 are needed the CITY agrees to amend agreement with CONSULTANT to compensate for tasks as outlined in "Attachment B – Compensation for Services".

2. The CONSULTANT shall submit monthly statements for services rendered as outlined on the attached Exhibits. The statements will be based upon CONSULTANT'S estimate and the CITY'S concurrence of the proportion of the total services actually completed at the time of billing. The CITY will make monthly payments in response to the CONSULTANT'S monthly statements.

3. The CONSULTANT shall submit invoices to the CITY on a monthly basis for SERVICES performed during the preceding month. Invoices shall be submitted in duplicate to the address set forth in Paragraph 30 of this Contract to the attention of Mrs. Emily Harrell, P.E. City Engineer. The CITY shall pay such invoices within forty-five (45) days of its receipt and approval of said invoices. The CITY is not obligated to pay, and will withhold from payment, any amounts the CITY has dispute with the CONSULTANT solely based on CONSULTANT'S non-performance or negligent performance of any of the Services under this Contract.

III. GENERAL CONDITIONS

The parties further agree as follows:

1. CONTROL

All Services by the CONSULTANT will be performed in a manner reasonably satisfactory to the CITY, and in accordance with the generally accepted business practices and procedures of the CONSULTANT.

2. CONSULTANT'S PERSONNEL

The CONSULTANT certifies that it presently has adequate qualified personnel to perform all services required under this Contract. All work performed during the Term of this Contract will be supervised by the CONSULTANT. The CONSULTANT further certifies that all of its employees assigned to serve the CITY have such knowledge and experience as required to perform the duties assigned to them. Any employee of the CONSULTANT who, in the opinion of the

CITY, is incompetent, or whose conduct becomes detrimental to the work, shall immediately be removed from association with the Services under this Contract.

3. INDEPENDENT STATUS

a. Nothing in this Contract shall be deemed to represent that the CONSULTANT, or any of the CONSULTANT'S employees or agents, are the agents, representatives, or employees of the CITY. The CONSULTANT will be an independent Contractor over the details and means for performing the Services under this Contract. Anything in this Contract which may appear to give the CITY the right to direct the CONSULTANT as to the details of the performance of the Services under this Contract or to exercise a measure of control over the CONSULTANT is solely for purposes of compliance with local, state and federal regulations and means that the CONSULTANT will follow the desires of the CITY only as to the intended results of the scope of this Contract.

b. It is further expressly agreed and understood by CONSULTANT that neither it nor its employees or agents are entitled to any benefits which normally accrue to employees of the CITY; that CONSULTANT has been retained by the CITY to perform the Services specified herein (not hired) and that the remuneration specified herein is considered to fees for the Services performed (not wages) and that invoices submitted to the CITY by CONSULTANT for the Services performed shall be on the CONSULTANT'S letterhead.

4. TERMINATION OR ABANDONMENT

It shall be cause for the immediate termination of this Contract if, after its execution, the CITY determines that:

Either the CONSULTANT or any of its principals, partners or corporate officers, if a corporation, including the corporation itself, has plead nolo contendere, or has plead or been found guilty of a criminal violation, whether state or federal, involving, but not limited to, governmental sales or purchases, including but not limited to the rigging of bids, price fixing, or any other collusive and illegal activity pertaining to bidding and governmental contracting; or

CONSULTANT subcontracted, assigned, delegated, transferred its rights, obligations or interests under this Contract without the CITY'S consent or approval; or

CONSULTANT has filed bankruptcy, become insolvent or made an assignment for the benefit of creditors, or a receiver, or similar officer has been appointed to take charge of all or part of CONSULTANT assets.

a. The CITY may terminate the Contract upon five (5) days written notice by the CITY or its authorized agent to the CONSULTANT for CONSULTANT'S material breach for the failure to provide the Services specified under this Contract.

b. This Contract may be terminated by either party "with or without cause" by giving a thirty (30) day written notice to the other, before the effective date of termination (the "Termination Date"). In the event of such termination, the CONSULTANT shall be paid for all Services rendered prior to the Termination Date, provided the CONSULTANT shall have delivered to CITY such statements, accounts, reports, and other materials as required under this Contract; however, CONSULTANT shall not be compensated for any anticipatory profits that have not been earned as of the Termination Date. All Services completed by CONSULTANT prior to the Termination Date shall be documented and tangible work documents shall be transferred to and become the sole property of the CITY prior to payment for the Services rendered.

c. Notwithstanding the above or any section herein to the contrary, CONSULTANT shall not be relieved of liability to the CITY for damages sustained by the CITY by virtue of any breach of the Contract by CONSULTANT and the CITY may withhold any payments to CONSULTANT for the purpose of setoff until such time as the exact amount of damages due the CITY from CONSULTANT is determined. However, in no event shall CONSULTANT be liable to the CITY for any consequential damages.

5. COMPENSATION FOR CORRECTIONS

No compensation shall be due or payable to CONSULTANT pursuant to this Contract for any CONSULTANT'S Services performed by the CONSULTANT in connection with effecting of corrections to the design of the Services, when such corrections are required as a direct result of negligence by the CONSULTANT to properly fulfill any of his obligations as set forth in this Contract.

6. SUBCONTRACTING, ASSIGNMENT OR TRANSFER

a. Any subcontracting, assignment, delegation or transfer of all or part of the rights, responsibilities, or interest of either party to this Contract is prohibited unless by written consent of the other party. No subcontracting, assignment, delegation or transfer shall relieve the CONSULTANT from performance of the Services under this Contract. The CITY shall not be responsible for the fulfillment of the CONSULTANT'S obligations to its transferors or subcontractors.

b. Upon request of the other party, the subcontracting, assigning, delegating or transferring party shall provide all documents evidencing the subcontract, assignment, delegation or transfer.

7. CONFLICT OF INTEREST

The CONSULTANT covenants that it has no public or private interest, and will not acquire directly or indirectly any interest which would conflict in any manner with the performance of the Services. The CONSULTANT warrants that no part of the total Contract Fee shall be paid directly or indirectly to any officer or employee of the CITY or State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor or consultant to the CONSULTANT in connection with any work contemplated or performed relative to this Contract.

8. LOBBYING

The CONSULTANT certifies, to the best of its knowledge and belief, that:

a. No federally 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.

b. If any funds other than federally 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 contract, grant, loan, or cooperative agreement, the CONSULTANT shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

c. The CONSULTANT shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients 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 and is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, *U.S. Code*.

9. PUBLIC NOTICE

All notices, informational pamphlets, press releases, research reports, signs, and similar public notices prepared and released by the CONSULTANT shall include the statement, "This project is funded under an agreement with the State of Tennessee." Any such notices by the CONSULTANT shall be approved by the CITY and State of Tennessee.

10. CONTINGENT FEES

The CONSULTANT warrants that it has not employed or retained any company or person other than a bona fide employee working solely for the CONSULTANT, to solicit or secure this Contract, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the CONSULTANT any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this Contract. For breach or violation of this warranty, the CITY will have the right to recover the full amount of such fee, commission, percentage, brokerage fee, gift, or other consideration.

11. EMPLOYMENT OF CITY WORKERS

The CONSULTANT will not engage, on a full, part-time, or any other basis during the Term of the Contract, any professional or technical personnel who are or have been at any time during the Term of the Contract in the employ of the CITY.

12. ACCESS TO RECORDS

During the work and Services to be provided hereunder, CONSULTANT agrees to permit duly authorized agents and employees of the CITY, State of Tennessee, and the Comptroller of the Treasury to enter CONSULTANT'S offices for the purpose of inspections, reviews and audits during normal working hours. Reviews may also be accomplished at meetings that are arranged at mutually agreeable times and places. The CONSULTANT will maintain all books, documents, papers, accounting records, and other evidence pertaining to the Fee paid under this Contract and make such materials available at their offices at all reasonable times during the Term of this Contract and for seven (7) years from the date of final project closeout for inspection by the CITY, State of Tennessee, Comptroller of the Treasury, or by any other governmental entity or agency participating in the funding of this Contract, or any authorized agents thereof. Copies of said records shall be furnished upon request.

13. ARBITRATION

Claims, disputes and other matters in question between the parties that are not resolved shall be decided in a court of law in the jurisdiction of the claim unless the CITY elects to proceed into arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association currently in effect.

14. RESPONSIBILITIES FOR CLAIMS AND LIABILITIES

The CONSULTANT, agrees to the fullest extent permitted by law, to indemnify and hold harmless the CITY, its elected officials, officers, agents and employees, assigns and instrumentalities from damages and losses – including but not limited to Title VII and 42 USC 1983 prohibited acts arising from the negligent acts, errors or omissions of the CONSULTANT or its subcontractors, employees, or assigns in the performance of professional services under this Contract, to the extent that the CONSULTANT is responsible for such damages and losses on a comparative basis of fault and responsibility between CONSULTANT and the CITY. The CONSULTANT is not obligated to indemnify the CITY for the CITY'S own negligence. This indemnification shall survive the termination or conclusion of this Contract.

15. GENERAL COMPLIANCE WITH LAWS

a. The CONSULTANT certifies that it is qualified or will take necessary steps to qualify to do business in the State of Tennessee and that it will take such action as, from time to time, may be necessary to remain so qualified and it shall obtain, at its expense all licenses, permits, insurance, and governmental approvals, if any, necessary to the performance of the Services under this Contract.

b. The CONSULTANT is assumed to be familiar with and agrees that at all times it will observe and comply with all federal, state and local laws, ordinances, and regulations in any manner affecting the performance of the Services. The preceding shall include, but not be limited to, compliance with all Equal Employment Opportunity laws, the Fair Labor Standards Act, Occupational Safety and Health Administration (OSHA) requirements, and the Americans with Disabilities Act (ADA).

c. This Contract will be interpreted in accordance with the laws of the State of Tennessee. By execution of this Contract, the CONSULTANT agrees that all actions, whether sounding in contract or in tort, relating to the validity, construction, interpretation and enforcement of this Contract will be instituted and litigated in the courts of the State of Tennessee, located in Shelby County, Tennessee, and in no other. In accordance herewith, the parties to this Contract submit to the jurisdiction of the courts of the State of Tennessee located in Shelby County, Tennessee.

16. NON-DISCRIMINATION

The CONSULTANT 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 CONSULTANT on the grounds of handicap and/or disability, age, race, color, religion, sex, national origin, or any other classifications protected by federal, Tennessee State Constitutional or statutory law. The CONSULTANT 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.

17. ENTIRE AGREEMENT

This Contract represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations, or agreements, whether oral or written.

18. AMENDMENT

This Contract may be modified or amended only by written instrument signed by both parties.

19. SEVERABILITY

If any provision of this Contract is held to be unlawful, invalid or unenforceable under any present or future laws, such provision shall be fully severable; and this Contract shall then be construed and enforced as if such unlawful, invalid or unenforceable provision had not been a part hereof. The remaining provisions of this Contract shall remain in full force and effect and shall not be affected by such unlawful, invalid, or unenforceable provision, there shall be added automatically as a part of this Contract a legal, valid and enforceable provision as similar in terms to such unlawful, invalid or unenforceable provision as possible.

20. NO WAIVER OF CONTRACTUAL RIGHT

No waiver of any term, condition, default, or breach of this Contract, or of any document executed pursuant hereto, shall be effective unless in writing and executed by the party making such waiver; and no such waiver shall operate as a waiver of either (a) such term, condition, default, or breach on any other occasion or (b) any other term, condition, default, or breach of this Contract or of such document. No delay or failure to enforce any provision in this Contract or in any document executed pursuant hereto shall operate as a waiver of such provision or any other

provision herein or in any document related hereto. The enforcement by any party of any right or remedy it may have under this Contract or applicable law shall not be deemed an election of remedies or otherwise prevent such party from enforcement of one or more other remedies at any time.

21. MATTERS TO BE DISREGARDED

The titles of the several sections, subsections, and paragraphs set forth in this Contract are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of the provisions of this Contract.

22. SUBJECT TO FUNDING

This Contract is subject to funding by the State of Tennessee Department of Transportation to the CITY. In the event sufficient funds for this Contract are not appropriated to the CITY for any of its fiscal period during the Term hereof, then this Contract will be terminated. In the event of such termination, the CONSULTANT shall be entitled to receive just and equitable compensation for any satisfactory work performed as of the Termination Date.

23. TRAVEL EXPENSES

All travel expenses payable under this Contract shall be approved in advance in a purchase order issued by the CITY and shall be in accordance with the CITY'S Travel Policy then in effect. All receipts documenting such expenses shall be submitted with the invoice for payment.

24. NON-LIABILITY FOR CONSULTANT EMPLOYEE TAXES

Neither CONSULTANT nor its personnel are the CITY'S employees, and the CITY shall not take any action or provide CONSULTANT'S personnel with any benefits and shall have no liability for the following:

- a. The CITY will not withhold FICA (Social Security) from CONSULTANT'S payments;
- b. The CITY will not make state or federal unemployment insurance contributions on behalf of CONSULTANT or its personnel;
- c. The CITY will not withhold state and federal income tax from payment to CONSULTANT;
- d. The CITY will not make disability insurance contributions on behalf of CONSULTANT;

e. The CITY will not obtain workers' compensation insurance on behalf of CONSULTANT or CONSULTANT'S personnel.

25. INCORPORATION OF OTHER DOCUMENTS

a. CONSULTANT shall provide Services pursuant to this Contract in accordance with the terms and conditions set forth within the CITY's Request for Qualifications as well as the response of CONSULTANT thereto, all of which are maintained on file within the CITY and incorporated herein by reference.

b. It is understood and agreed between the parties that in the event of a variance between the terms and conditions of this Contract and any amendment thereto and the terms and conditions contained either within the Request for Qualifications or the response thereto, the terms and conditions of this Contract as well as any amendment shall take precedence and control the relationship and understanding of the parties.

26. CONTRACTING WITH LOCALLY OWNED SMALL BUSINESS

The CONSULTANT shall take affirmative action to assure that Locally Owned Small Business that have been certified by the CITY are utilized when possible as sources of supplies and equipment, construction and services.

27. RIGHT TO REQUEST REMOVAL OF CONSULTANT'S EMPLOYEES

The CITY may interview the personnel CONSULTANT assigns to CITY'S work. The CITY shall have the right, at any time, to request removal of any employee(s) of the CONSULTANT whom the CITY deems to be unsatisfactory for any reason. Upon such request, the CONSULTANT shall use all reasonable efforts to promptly replace such employee(s) with substitute employee(s) having appropriate skills and training.

28. INCORPORATE OF WHEREAS CLAUSES

The foregoing whereas clauses are hereby incorporated into this Contract and made a part hereof.

29. DISCLOSURE OF REPORTS, DATA OR OTHER INFORMATION

Notwithstanding anything to the contrary contained herein or within any other document supplied to the CITY by the CONSULTANT, CONSULTANT understands and acknowledges that the CITY is a governmental entity subject to the laws of the State of Tennessee and that any

reports, data or other information supplied to the CITY by the CONSULTANT due to Services performed pursuant to this Contract is subject to being divulged as a public record in accordance with the laws of the State of Tennessee.

30. ORGANIZATION STATUS AND AUTHORITY

a. CONSULTANT represents and warrants that it is a corporation, limited liability company, partnership, or other entity duly organized, validly existing and in good standing under the laws of the State of Tennessee; it has the power and authority to own its properties and assets and is duly qualified to carry on its business in every jurisdiction wherein such qualification is necessary.

b. The execution, delivery and performance of this Contract by the CONSULTANT has been duly authorized by all requisite action and will not violate any provision of law, any order of any court or other agency of government, the organizational documents of CONSULTANT, any provision of any indenture, agreement or other instrument to which CONSULTANT is a party, or by which CONSULTANT'S respective properties or assets are bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under any such indenture, agreement or other instrument, or result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the properties or assets.

31. INSURANCE REQUIREMENTS

a. The CONSULTANT shall purchase and maintain, in a company or companies licensed to do business in the State of Tennessee, such insurance as will protect the CITY from claims which may arise out of or result from the CONSULTANT'S operations under the Contract, whether such operations are performed by himself or by any subcontractors or by anyone directly or indirectly employed by any of them, or by anyone for whose acts the CONSULTANT or subcontractor may be liable.

b. The insurance required shall be written for not less than any limits of liability specified or required by law, whichever is greater. The CONSULTANT will maintain insurance, throughout the life of this Contract, through insurers rated A- or better by A.M. Best, with the following minimum requirements:

i. Errors and Omissions Liability Coverage with limits of \$1,000,000.00 per occurrence / \$2,000,000.00 annual aggregate for this Contract.

ii. Commercial General Liability Coverage with minimum limits of \$1,000,000.00 per occurrence / \$2,000,000.00 annual aggregate premises/ operations coverage,

\$2,000,000.00 annual aggregate products/completed operations. The City of Lakeland, its elected officials, appointees and employees will be named as additional insured.

iii. Workers Compensation Coverage, including coverage for sole proprietors, partners, and officers, regardless of requirement by Tennessee State Statute.

iv. Commercial Auto Liability with minimum limit of \$1,000,000.00 for all owned, hired and non-owned automobiles.

c. CONSULTANT shall provide CITY with a current copy of the Certificate of Insurance at the time of contracting and shall maintain said insurance during the entire Contract period as well as provide renewal copies on each anniversary date. The certificate holder is to read:

CITY OF LAKELAND
10001 U.S. Highway 70
Lakeland, TN 38002

Upon termination or cancellation of insurance currently in effect under this Contract, the CONSULTANT shall purchase an extended reporting endorsement and furnish evidence of same to the CITY.

32. NOTICE

Any notices required or permitted to be given under the provisions of this Contract shall be effective only if in writing and delivered either in person to the CITY'S authorized agent or by First Class or U.S. Mail to the addresses set forth below, or to such other person or address as either party may designate in writing and deliver as herein provided:

CITY: City of Lakeland Engineering Department
Attn: Emily Harrell, P.E. City Engineer
10001 U.S. Highway 70
Lakeland, TN 38002
(901) 867-2717

CONSULTANT: Smith Seckman Reid, Inc.
Attn: Ben Ledsinger, PE
2650 Thousand Oaks Blvd, Suite 4200
Memphis, TN 38118
(901) 260-9888

33. OWNERSHIP OF DOCUMENTS AND OTHER PROPRIETARY INTERESTS

a. The CONSULTANT agrees that the CITY will own exclusively all right, title and interest in and to materials and information created or supplied by CONSULTANT for the performance of the Services under this Contract and for which Fees have been received by CONSULTANT (“Work Product”) whether or not the same is accepted or rejected by the CITY. The Work Product shall remain the property of the CITY and shall not be used or published by the CONSULTANT or any other party without the express prior consent of the CITY. Work Product will be deemed a “work made for hire” as that term is used in the Copyright Act. In implementing the foregoing, the CONSULTANT hereby grants and assigns to CITY all rights and claims of whatever nature and whether now or hereafter arising in and to any and all of such Work Product and shall cooperate fully with the CITY in any steps the CITY may take to obtain copyrights, trademark or like protections with respect thereto. The signing of this Contract shall constitute a complete transfer of ownership, intellectual property and copyright all documents from CONSULTANT to CITY upon completion of the Work Product. The CONSULTANT shall not construe such transfer as a grant for usage nor can the CONSULTANT revoke it.

b. All information owned, possessed or used by the CONSULTANT which is communicated to, learned, developed or otherwise acquired by the CONSULTANT in the performance of the Services for the CITY, which is not generally known to the public, shall be confidential and CONSULTANT shall not, beginning on the date of first association or communication between the CITY and the CONSULTANT and continuing through the term of this Contract and any time thereafter, disclose, communicate or divulge, or permit disclosure, communication or divulgence, to another or use for CONSULTANT’S own benefit or the benefit of another, any such confidential information unless required by law. Except when defined as part of the Services, CONSULTANT shall not make any press releases, public statement, or advertisement referring to the Work Product or the engagement of CONSULTANT as an independent contractor of the CITY in connection with the Work Product, or release any information relative to the Work Product for publications, advertisement or any other purpose without the prior written approval of the CITY.

c. The CONSULTANT shall obtain assurances similar to those contained in this subsection from persons, contractors and subcontractors retained by the CONSULTANT. CONSULTANT acknowledges and agrees that a breach by CONSULTANT of the provisions of this section will cause CITY irreparable injury and damage. CONSULTANT, therefore, expressly agrees that the CITY shall be entitled to injunctive or other equitable relief in any court of competent jurisdiction to prevent or otherwise restrain a breach of this Contract.

34. CHANGES

The CITY may, from time to time, request changes in the scope of the services of the CONSULTANT to be performed hereunder. Such changes, including any increase or decrease in the amount of the CONSULTANT'S compensation, which are mutually agreed upon between the CITY and the CONSULTANT, shall be incorporated in written amendments to this Contract. There shall be no increase in the amount of CONSULTANT'S compensation, as set forth above, unless approved by Resolution adopted by the City of Lakeland.

IN WITNESS WHEREOF, the parties hereto have set their signatures for the purposes contained herein, on the day and date first above written.

APPROVED TO AS FORM:

CITY OF LAKELAND

Smith Seckman Reid, Inc.

Michael Walker, City Manager

Ben Ledsinger, PE

ATTEST:

ATTEST:

Cheyenne Carter, City Recorder

Title:



Board of Commissioners

Meeting Cycle: Thursday, February 6, 2025

Subject: **Resolution** - amending the agreement with Tennessee Soccer Academy to include competitive soccer.

Staff Contact: John Proctor, Recreation Manager

STAFF RECOMMENDATION

City staff recommends the Board of Commissioners approve Resolution R- 20-2025.

BUDGET IMPACT

This program will be operated by the independent contract, and the City will receive a flat rate fee for each season run by the contractor.

DISCUSSION

Tennessee Soccer Academy has provided youth recreational soccer for the City of Lakeland since the beginning of 2022. Even with consistent growth over the past few seasons, available field space has not been completely utilized with our recreational program. By adding a competitive aspect to the program, the City would see an increase in its soccer revenue. Tennessee Soccer Academy will pay the City of Lakeland \$40 per competitive player in addition to \$20 per recreational player under the amended contract.

RESOLUTION R-20-2025

AMENDING THE AGREEMENT WITH TENNESSEE SOCCER ACADEMY TO
INCLUDE COMPETITIVE SOCCER

WHEREAS, the City of Lakeland, Tennessee, (the “City”) desires a recreation and competitive soccer program for youth and,

WHEREAS, Tennessee Soccer Academy has provided a recreational program since the beginning of 2022 and,

WHEREAS, Tennessee Soccer Academy is willing and able to add a competitive soccer program through June 30th, 2026:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager is hereby authorized to amend the current Independent Contractor Agreement with Tennessee Soccer Academy to provide a recreation and competitive soccer program to the youth of the City of Lakeland.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 6th day of February 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

City of Lakeland, TN
Independent Contractor Program Agreement

This Amended Agreement ("Agreement") is made this 6th day of February, 2025 by and between the **City of Lakeland**, a Tennessee municipality having a principal place of business at 10001 Highway 70, Lakeland, Tennessee 38002 ("**City**"), and Tennessee Soccer Academy, LLC, an independent having a principal place of business at 10245 Ivy Oak Lane, Lakeland, TN 38002 ("**Program Operator**") and replaces the Independent Contractor Program Agreement executed by the Parties on 18th day of June, 2024.

Program Operator will conduct a Lakeland Youth Recreation Soccer Program for the citizens of Lakeland, TN utilizing City and partnering facilities. The City agrees to make available certain facilities ("Facilities"), identified in **Attachment A** to this Amended Agreement, and advertise the Program with the City's media resources.

In consideration of the mutual benefits and responsibilities set forth below, the parties agree as follows:

1. **PROGRAM.** During the term of this Amended Agreement, Program Operator shall operate a recreation level soccer program for children ages five to fourteen years old (5-14) and a competitive program for children ages five to eighteen years old with the following divisions:
 - a. **Recreational Age Divisions**
 - i. Div. 5 (Coed 5U: 3v3/4v4),
 - ii. Div. 4 (Coed 6U-8U: 4v4),
 - iii. Div. 3 (Boys & Girls 10U: 7v7),
 - iv. Div. 2 (Boys & Girls 12U-14U: 7v7)
 - b. **Competitive Age Divisions**
 - i. 8U (Boys & Girls)
 - ii. 9-10U (Boys 7 Girls)
 - iii. 11U-14U (Boys & Girls)
 - iv. 15U- 19U (Boys)
 - v. 15U- 19U (Girls)

The City agrees to make the Facilities available for operation of the Program during the times and at the locations identified in Attachment A to this Amended Agreement. Notwithstanding anything in this Amended Agreement to the contrary, the City reserves the right to cancel, without prior notice to the Program Operator, any practices and/or games due to unsafe conditions or when the City determines the use of the Facilities may be detrimental to the quality or maintenance of the Facilities.

2. **TERM.** ~~This original Agreement shall commenced on the date of July 1, 2024. This Amended Agreement shall commence upon execution by the Parties,~~ and shall expire on **June 30, 2026**, unless terminated sooner or extended in accordance with the provisions hereof. This Amended Agreement may be terminated immediately by the City for the Program Operator's violation of any of the provisions or conditions contained in this ~~Agreement~~Amended Agreement, or in the event the City determines in its sole discretion that the Program Operator's use of the Facilities is or may be undesirable, offensive, unacceptable for educational and cultural uses or may cause damage to the facility's property, the facility's furnishings, or equipment located on the facility's property or injury of persons lawfully on the facility's property. Further, the City may terminate this ~~Agreement~~Amended Agreement for convenience upon 60 days written notice, in its sole discretion and with no liability to the City.
3. **FACILITIES.** The Facilities to be provided by the City under this ~~Agreement~~Amended Agreement for the purpose of operating the Program, and the times and dates on which they will be provided, are set forth in **Attachment A**. This ~~Agreement~~Amended Agreement relates

solely to the Facilities and times and dates listed in **Attachment A**.

Program Operator agrees to accept the Facilities as is and to immediately notify the City in writing of the discovery of any defective or dangerous conditions found on or at the Facilities. Further, the Program Operator shall not damage in any way or cause waste to the Facilities or any contiguous or surrounding property and shall not permit the same to be done. Program Operator shall pay for any and all damage to the Facilities, including the building, grounds, equipment, furniture, and other property, caused by, or related to its use of the Facilities. Program Operator shall, at its sole expense, repair or replace any damage to the building, grounds, equipment, furniture, or other property, upon demand by the City. If the City is required to repair or replace any part of the grounds, building, equipment, or furniture, the costs associated therewith shall be reimbursed to the City by the Program Operator.

4. **EQUIPMENT**. The Program Operator will provide all necessary equipment to operate the program. If the City finds it necessary, it can provide equipment as needed. However, such City-provided equipment shall remain the sole property of the City and shall become part of the Facility for the purposes of this ~~Agreement~~**Amended Agreement**.
5. **ADVERTISEMENT OF PROGRAM**. The City agrees to advertise the Youth Recreation Soccer Program by placing information about the program on the City of Lakeland's websites and media outlets. Program Operator shall not represent that the City of Lakeland is operating or supervising the Program in any way.
6. **REGISTRATION AND FEES**. All Registration fees for the Program will be collected by the Program Operator.

Upon the completion of the program, or in the case of a program which runs longer than 30 days, the first day of the month following the first day of the program, the Program Operator shall prepare and provide a list of registrants, along with an accounting of the fees generated by the Program to the City. At the same time, the Program Operator shall pay the City a fee equal to twenty dollars (**\$20.00**) per recreational registrant and forty dollars (**\$40.00**) per competitive registrant.

In the event the Program Operator elects to charge additional fees (e.g., Uniform Fees, Supply Fees, Certification Fees, etc.), any additional fees shall be charged directly to the registrants at the Program Operator's cost.

7. **COMPLIANCE WITH POLICIES, RULES, AND LAWS**. Program Operator agrees to operate the Program and to use and occupy the Facilities and Equipment in compliance with all applicable City policies, ordinances, regulations and procedures, and all other local, state, and federal regulations and laws. Program Operator acknowledges that it is specifically aware of the provision of Tennessee Code Annotated § 49-5-413 requiring the background check of any individual that works on school grounds at any time when students are present and prohibiting any person with a history of the criminal offenses cited in the statute from working on a school campus during such times. Program Operator hereby certifies that it will always comply with the provisions of Tennessee Code Annotated § 49-5-413.
8. **SUPERVISION AND TRAINING**. Program Operator shall be solely responsible for the conduct of all persons using the Facilities or while on City property at Program Operator's program or by express or implied invitation and shall protect and indemnify the City from all claims arising out of or related to the Program Operator's use of the Facilities.

Program Operator shall be responsible for supervising its officers, agents, employees, guests, patrons, volunteers, and invitees while anywhere on City Property or the Facilities

and shall provide qualified, professionally trained, and responsible adult supervisors to ensure compliance with all rules, regulations, and procedures. Program Operator is responsible for providing all necessary and appropriate safety instruction to all its employees and volunteers and to all participants and attendees at the Program. The City reserves the right to eject anyone whose conduct is unlawful or is interfering with the reasonable enjoyment or participation of others using the Facilities.

9. **INDEMNIFICATION, HOLD HARMLESS, AND INSURANCE.** Program Operator shall indemnify, defend, and save harmless the City and the Lakeland School System, their officers, elected officials, agents, and employees from all loss, cost, and expense, including costs of defense and attorneys' fees, relating to or arising out of any liability, loss, expense, or claim, whether sounding in tort, contract, or otherwise, by reason of the use or occupancy of the Facilities under this AgreementAmended Agreement (whether such use is authorized or not) or by reason of any act or omission of Program Operator or any of its officers, agents, employees, volunteers, guests, participants, attendees, patrons, or invitees.

Program Operator is responsible for any and all damage to the Facilities or property of the City, or loss or theft of such property, done or caused by Program Operator or any of its officers, agents, employees, volunteers, guests, participants, attendees, patrons, or invitees.

The City assumes no responsibility whatsoever for any property placed in the Facilities by the Program Operator, its employees, volunteers, agents, guests, attendees, patrons, or invitees.

The City and the Lakeland School System are hereby expressly released and discharged from all liabilities for any loss, injury or damage to persons or property that may be sustained by reason of the use of the Facilities under this AgreementAmended Agreement.

Program Operator agrees to purchase, at Program Operator's own expense, a comprehensive general liability insurance policy, including public liability and property damage, written by a company licensed to do business in Tennessee and acceptable to the City, covering Bodily Injury and Property Damage for an amount not less than \$1,000,000.00 Combined Single Limits. This insurance shall include coverage for legal liability to participants and coverage for sexual abuse and molestation. The City and the Lakeland School System shall be named as an additional insured in any insurance policy required by this AgreementAmended Agreement. Program Operator agrees that the insurance purchased shall be primary coverage and will contain no terms allowing the insurer to be subrogated to the rights of any injured or damaged person or entity. A certificate evidencing the insurance as required under this AgreementAmended Agreement shall be delivered to the City before the subject Youth Recreation Soccer Program begins.

10. **RELATIONSHIP OF PARTIES.** Nothing in this AgreementAmended Agreement shall be construed to place the parties in the relationship of partners, employee/employer, joint ventures, agents, or otherwise. Program Operator shall have no power to obligate or bind the City in any manner whatsoever, and the City does not in any way represent itself as a guarantor of the quality of any product or service produced or provided by Program Operator.

By their execution below, the parties have agreed to all the terms and conditions of this agreementAmended Agreement.

City of Lakeland

Program Operator

By: _____

By: _____

Title: _____

Date: _____

Title: _____

Date: _____

Attachment A: Program Information

Program Operator: Tennessee Soccer Academy
Name of Program: Lakeland Youth Recreation Soccer
Address: 10245 Ivy Oak Lane, Lakeland TN 38002
Phone Number: 901-603-1119
Website: www.tennesseesocceracademy.com

A. Program Description

Spring 2025 Recreational Age Divisions & Format

- 4UCoed: [Birth Years 2021](#) (3v3 Format- No Goalkeepers)
- 6UCoed: [Birth Years 2019 & 2020](#) (4v4 Format- No Goalkeepers)
- 8UCoed/SG: [Birth Years 2017 & 2018](#) (4v4 Format- No Goalkeepers- Referees)
- 10USG: [Birth Years 2015 & 2016](#) (7v7 Format- Referees)
- 12USG: [Birth Years 2013 & 2014](#) (7v7 Format- Referees)
- 15USG: [Birth Years 2010, 2011 & 2012](#) (7v7 Format- Referees)

Division Notes

- 6Udivision teams are organized as coed
- 8Udivision teams are organized either as coed or single gender, depending on the number of participants who register.
- 10U, 12U, & 15Udivision teams are organized as single gender
- [10U, 12U, & 15Udivision teams may play games in Lakeland, Arlington, and Bartlett, through partnership](#)
- [Age divisions are determined by the registrants' birth year](#)

Spring Season Competitive Age Divisions

- 8UCoed: [Birth Years 2017 & 2018](#)
- 9U & 10UCoed: [Birth Years 2016 & 2015](#)
- 11U- 14U Coed/SG: [Birth Years 2014-2011](#)
- 15U- 19U Boys: [Birth Years 2010- 2016](#)
- 15U- 19U Girls: [Birth Years 2010- 2016](#)

B. Program Dates, Times, and Locations

Recreational/ Competitive Program Sessions:

Spring Recreational Information 2025

Registration begins – January 2025

Practice begins – March 3RD

End of season – May 10TH

Spring Competitive Information 2025

Practices February through Mid- May

[Fall Recreational Information 2025](#)

[Registration begins – July 2025](#)

[Practice begins – August](#)

[End of season – November](#)

[Fall Competitive Information 2025](#)
[Practices July through November](#)

[Spring Recreational Information 2026](#)
[Registration begins – January 2026](#)
[Practice begins – March 2ND](#)
[End of season – May 9TH](#)

[Spring Competitive Information 2026](#)
[Practices February through Mid- May](#)

Location & Times:

Lakeland Prep Athletic Annex:

Monday, Tuesday, & Thursday 5:30pm – 8:30pm

Saturday 9:00am – 12pm.

Field Assignments:

Weekdays: Fields A, C & E

Weekends: Fields A, C, D, & E

A full season schedule is due to City Staff no less than 7 days prior to the start of practices. Any changes to the schedule made by the Program Operator shall be reported to the City by email at recreation@lakelandtn.org no less than 3 days in advance.

Weather related or field playability closures will be made as early as possible to provide adequate notice to program participants. These closures may be made by the City, the Program Operator or Lakeland School System.

C. Program Registration and Additional Fees

Program Operator assumes the responsibility for all registration and fee collection.

Additional fees include:

Uniform kits: \$50 (approximate)

Branding for the uniforms will be under the name: "TSA Lakeland."

In the event of season or division cancellation, Program Operator will make a good faith effort to relocate athletes to a program that is operating.

D. City Equipment

The City will provide the following equipment:

12 @ youth goals (size: 4'x6')

12 @ Mid-size goals (size: 7' x 21')

4 @ Full-size goals (size: 8' x 24')

Field Layout and Striping:

- The City will stripe the fields once per week in a layout mutually agreed upon at the beginning of the season.
- Any special request for field painting or change to field layout once the season has begun will necessitate an administrative / programming fee.
- This fee shall be waived if a playability issue creates the need for the change.

Meeting Cycle: Thursday, February 6, 2025

Subject: **Resolution** - approving an independent contractor agreement with United States Tennis Association (USTA) of Tennessee for a youth tennis program.

Staff Contact: John Proctor, Recreation Manager

STAFF RECOMMENDATION

City Staff recommends the Board of Commissioners approve Resolution R-22-2025.

BUDGET IMPACT

This program will be operated by the independent contractor, and the City will receive a flat rate fee for each session run by the contractor.

DISCUSSION

Rally Cats was developed by the United States Tennis Association (USTA) of Tennessee to introduce kids ages 4–12 to the game of tennis and keep them on the court for years to come. This is a developmental program that utilizes a turnkey curriculum along with modified equipment better suited to age and ability level. Kids use smaller rackets, pop-up nets, and balls that bounce lower and move slower than a regular tennis ball. As a result, kids are rallying sooner, getting less frustrated, and having more fun, which is the most important part! Per the contract, USTA of Tennessee will give a flat rate of \$65 per participant to the City of Lakeland.

RESOLUTION R-22-2025

APPROVING AN INDEPENDENT CONTRACTOR AGREEMENT WITH UNITED STATES TENNIS ASSOCIATION (USTA) OF TENNESSEE FOR A YOUTH TENNIS PROGRAM

WHEREAS, the City of Lakeland, Tennessee, (the “City”) desires a more structured tennis program for youth; and,

WHEREAS, United States Tennis Association of Tennessee (“USTA”) provides beginner youth tennis programing through the Rally Cats Tennis Program and,

WHEREAS, USTA of Tennessee is willing and able to offer the program through June of 2026:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the City Manager is hereby authorized to enter into an Independent Contractor Agreement with United States Tennis Association of Tennessee, pending final City Attorney review, to provide a tennis program to the youth of the City of Lakeland.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 6TH day of February 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

City of Lakeland, TN
Independent Contractor Program Agreement

This agreement ("Agreement") is made this 6TH day of February, 2025 by and between the **City of Lakeland**, a Tennessee municipality having a principal place of business at 10001 Highway 70, Lakeland, Tennessee 38002 ("**City**"), and USTA Tennessee, an independent having a principal place of business at 220 Athens Way Ste 110 Nashville, TN 37228 ("**Program Operator**").

Program Operator will conduct a Lakeland Youth Recreation Tennis Program for the citizens of Lakeland, TN utilizing City and partnering facilities. The City agrees to make available certain facilities ("Facilities"), identified in **Attachment A** to this Agreement, and advertise the Program with the City's media resources.

In consideration of the mutual benefits and responsibilities set forth below, the parties agree as follows:

1. **PROGRAM.** During the term of this Agreement, Program Operator shall operate a recreation level tennis program for children ages five to fourteen years old (4-14) with the following divisions:
 - i. 4- 6 Age Division
 - ii. 7-10 Age Division
 - iii. 11-14 Age Division

The City agrees to make the Facilities available for operation of the Program during the times and at the locations identified in Attachment A to this Agreement. Notwithstanding anything in this Agreement to the contrary, the City reserves the right to cancel, without prior notice to the Program Operator, any practices and/or games due to unsafe conditions or when the City determines the use of the Facilities may be detrimental to the quality or maintenance of the Facilities.

2. **TERM.** This Agreement shall commence on the date of February 17TH, 2025, and shall expire on June 30, 2026, unless terminated sooner or extended in accordance with the provisions hereof. This Agreement may be terminated immediately by the City for the Program Operator's violation of any of the provisions or conditions contained in this Agreement, or in the event the City determines in its sole discretion that the Program Operator's use of the Facilities is or may be undesirable, offensive, unacceptable for educational and cultural uses or may cause damage to the facility's property, the facility's furnishings, or equipment located on the facility's property or injury of persons lawfully on the facility's property. Further, the City may terminate this Agreement for convenience upon 60 days written notice, in its sole discretion and with no liability to the City.
3. **FACILITIES.** The Facilities to be provided by the City under this Agreement for the purpose of operating the Program, and the times and dates on which they will be provided, are set forth in **Attachment A**. This Agreement relates solely to the Facilities and times and dates listed in **Attachment A**.

Program Operator agrees to accept the Facilities as is and to immediately notify the City in writing of the discovery of any defective or dangerous conditions found on or at the Facilities. Further, the Program Operator shall not damage in any way or cause waste to the Facilities or any contiguous or surrounding property and shall not permit the same to be done. Program Operator shall pay for any and all damage to the Facilities, including the building, grounds, equipment, furniture, and other property, caused by, or related to its use of the Facilities. Program Operator shall, at its sole expense, repair or replace any damage to the building, grounds, equipment, furniture, or other property, upon demand by the City. If the City is required to repair or replace any part of the grounds, building, equipment, or furniture, the costs associated therewith shall be reimbursed to the City by the Program Operator.

4. **EQUIPMENT.** The Program Operator will provide all necessary equipment to operate the program. If the City finds it necessary, it can provide equipment as needed. However, such City-provided equipment shall remain the sole property of the City and shall become part of the Facility for the purposes of this Agreement.
5. **ADVERTISEMENT OF PROGRAM.** The City agrees to advertise the Youth Recreation Tennis Program by placing information about the program on the City of Lakeland's websites and media outlets.
6. **REGISTRATION AND FEES.** All Registration fees for the Program will be collected by the Program Operator.

Upon the completion of the program, or in the case of a program which runs longer than 30 days, the first day of the month following the first day of the program, the Program Operator shall prepare and provide a list of registrants, along with an accounting of the fees generated by the Program to the City. At the same time, the Program Operator shall pay the City a portion of the remaining fees per registrant, minus the USTA TN and Tennis Links fees.

No additional fees shall be charged by the program operator.

7. **COMPLIANCE WITH POLICIES, RULES, AND LAWS.** Program Operator agrees to operate the Program and to use and occupy the Facilities and Equipment in compliance with all applicable City policies, ordinances, regulations and procedures, and all other local, state, and federal regulations and laws. Program Operator acknowledges that it is specifically aware of the provision of Tennessee Code Annotated § 49-5-413 requiring the background check of any individual that works on school grounds at any time when students are present and prohibiting any person with a history of the criminal offenses cited in the statute from working on a school campus during such times. Program Operator hereby certifies that it will always comply with the provisions of Tennessee Code Annotated § 49-5-413.
8. **SUPERVISION AND TRAINING.** Program Operator shall be solely responsible for the conduct of all persons using the Facilities or while on City property at Program Operator's program or by express or implied invitation and shall protect and indemnify the City from all claims arising out of or related to the Program Operator's use of the Facilities.

Program Operator shall be responsible for supervising its officers, agents, employees, guests, patrons, volunteers, and invitees while anywhere on City Property or the Facilities and shall provide qualified, professionally trained, and responsible adult supervisors to ensure compliance with all rules, regulations, and procedures. Program Operator is responsible for providing all necessary and appropriate safety instruction to all its employees and volunteers and to all participants and attendees at the Program. The City reserves the right to eject anyone whose conduct is unlawful or is interfering with the reasonable enjoyment or participation of others using the Facilities.

9. **INDEMNIFICATION, HOLD HARMLESS, AND INSURANCE.** Program Operator shall indemnify, defend, and save harmless the City, their officers, elected officials, agents, and employees from all loss, cost, and expense, including costs of defense and attorneys' fees, relating to or arising out of any liability, loss, expense, or claim, whether sounding in tort, contract, or otherwise, by reason of the use or occupancy of the Facilities under this Agreement (whether such use is authorized or not) or by reason of any act or omission of Program Operator or any of its officers, agents, employees, volunteers, guests, participants, attendees, patrons, or invitees.

Program Operator is responsible for any and all damage to the Facilities or property of the

City, or loss or theft of such property, done or caused by Program Operator or any of its officers, agents, employees, volunteers, guests, participants, attendees, patrons, or invitees.

The City assumes no responsibility whatsoever for any property placed in the Facilities by the Program Operator, its employees, volunteers, agents, guests, attendees, patrons, or invitees.

The City is hereby expressly released and discharged from all liabilities for any loss, injury or damage to persons or property that may be sustained by reason of the use of the Facilities under this Agreement.

Program Operator agrees to purchase, at Program Operator's own expense, a comprehensive general liability insurance policy, including public liability and property damage, written by a company licensed to do business in Tennessee and acceptable to the City, covering Bodily Injury and Property Damage for an amount not less than \$1,000,000.00 Combined Single Limits. This insurance shall include coverage for legal liability to participants and coverage for sexual abuse and molestation. The shall be named as an additional insured in any insurance policy required by this Agreement. Program Operator agrees that the insurance purchased shall be primary coverage and will contain no terms allowing the insurer to be subrogated to the rights of any injured or damaged person or entity. A certificate evidencing the insurance as required under this Agreement shall be delivered to the City before the subject Youth Recreation Tennis Program begins.

- 10. RELATIONSHIP OF PARTIES.** Nothing in this Agreement shall be construed to place the parties in the relationship of partners, employee/employer, joint ventures, agents, or otherwise. Program Operator shall have no power to obligate or bind the City in any manner whatsoever, and the City does not in any way represent itself as a guarantor of the quality of any product or service produced or provided by Program Operator.

By their execution below, the parties have agreed to all the terms and conditions of this agreement.

City of Lakeland

Program Operator

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

Attachment A: Program Information

Program Operator: USTA Tennessee
Name of Program: Lakeland Tennis Rally Cats Tennis Program
Address: 220 Athens Way, Ste 110 Nashville, TN 37228
Phone Number: 615- 953-1694
Website: <http://www.ustatn.com/>

A. Program Description

Spring/ Fall 2025 Age Divisions

- 4-6 Coed
- 7-10 Coed
- 11-14 Coed

Spring 2026 Age Divisions

- 4-6 Coed
- 7-10 Coed
- 11-14 Coed

B. Program Dates, Times, and Locations

Program Sessions:

Spring 2025

Registration begins – February 2025

Sessions Start April 2025

Fall 2025

Registration begins – July 2025

Sessions Start September 2025

Spring 2026

Registration begins – February 2026

Sessions Start April 2026

Location & Times:

Windward Slopes Park:

Saturday 9:00AM – 1:00PM

Optional Days: Monday, Tuesday, Wednesday, Thursday, & Friday 5:30PM – 7:00PM

Court Assignments:

Weekdays: East & West Courts

Weekends: East & West Courts

A full session schedule is due to City Staff no less than 7 days prior to the start of sessions. Any changes to the schedule made by the Program Operator shall be reported to the City by email at recreation@lakelandtn.org no less than 3 days in advance.

Weather related or court playability closures will be made as early as possible to provide adequate notice to program participants. These closures may be made by the City.

C. Program Registration and Additional Fees

Program Operator assumes the responsibility for all registration and fee collection.

- \$25 collected by USTA TN per player for administration/program costs
- Tennis Link receives a \$3-\$4 processing fee

- Remainder of fees come the City to pay tennis instructor and cover equipment and/or costs

In the event of season or division cancellation, Program Operator will make a good faith effort to relocate athletes to a program that is operating.

D. City Equipment

The City will provide the following equipment:

- 2 courts with nets and scoreboards



Board of Commissioners

Meeting Cycle: Thursday, February 6, 2025

Subject: **Resolution** - authorizing the Mayor to execute a Financial Obligation Agreement between The City of Lakeland and The Industrial Development Board of The City of Lakeland, Tennessee.

Staff Contact: Michael Walker, City Manager

STAFF RECOMMENDATION

City Staff recommends that the Board of Commissioners approve resolution R-21-2025.

BUDGET IMPACT

Payments made in accordance with this Financial Obligation Agreement would require General Fund budgetary transfers and/or amendments.

DISCUSSION

The attached financial obligation agreement and related authorizing resolution represent the formal documentation of the City's financial obligation on the IDB's Gateway TIF loan through FirstBank, approved and funded in 2024.

RESOLUTION R-21-2025

AUTHORIZING THE MAYOR TO EXECUTE A FINANCIAL OBLIGATION AGREEMENT BETWEEN THE CITY OF LAKELAND AND THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF LAKELAND, TENNESSEE

- WHEREAS,** the Industrial Development Board of the City of Lakeland, Tennessee (“IDB”) approved an economic impact plan (the “Economic Impact Plan”) regarding the development of an area of approximately 100-acre tract of land located in the northwest and northeast corners of Canada Road and the Interstate 40 Exchange (the “Plan Area”); and
- WHEREAS,** the IDB also approved, pursuant to the same Resolution mentioned above, a Tax Increment Financing Application (the “TIF Application”) for the Plan Area and the Economic Impact Plan; and
- WHEREAS,** the Economic Impact Plan states that the IDB will provide financial assistance to the development of the Plan Area by borrowing the amount necessary to provide such assistance (the “Tax Increment Financing”); and
- WHEREAS,** the Board of Commissioners of the City of Lakeland (“BOC”) and the IDB approved, pursuant to separate resolutions, the IDB, as Borrower, the City, as Contractual Obligor, and FirstBank, as Lender, to enter into a Loan Commitment Letter to finance certain costs of the development; and
- WHEREAS,** the BOC and the IDB also approved, pursuant to Resolution R-147-2024 and Resolution R-143-2024, respectively, the Loan Documents with FirstBank for the development of the Plan Area in an amount not to exceed \$6,000,000; and
- WHEREAS,** pursuant to the Loan Documents, Article V, Section 5.5, the City becomes the direct obligor of the loan and assumes all payment obligations of the IDB in the event the IDB defaults under the Loan Documents; and
- WHEREAS,** the IDB and the City desire to enter into an Agreement to impose an obligation upon the IDB, which requires the IDB to reimburse the City for any payments the City makes as a result of the Loan Documents; and
- WHEREAS,** the IDB’s repayment obligation to the City shall be subject to the terms and conditions set forth in the Agreement, a form of which is attached hereto as Exhibit A:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the Mayor is authorized to execute a Financial Obligation Agreement between the City of Lakeland and the Industrial Development Board of the City of Lakeland, Tennessee in a form consistent with the attached Exhibit A, subject to the final review and approval of the City Attorney.

RESOLUTION R-21-2025

AUTHORIZING THE MAYOR TO EXECUTE A FINANCIAL OBLIGATION
AGREEMENT BETWEEN THE CITY OF LAKELAND AND THE INDUSTRIAL
DEVELOPMENT BOARD OF THE CITY OF LAKELAND, TENNESSEE

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee this 6th day of February 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

RESOLUTION R-21-2025

AUTHORIZING THE MAYOR TO EXECUTE A FINANCIAL OBLIGATION
AGREEMENT BETWEEN THE CITY OF LAKELAND AND THE INDUSTRIAL
DEVELOPMENT BOARD OF THE CITY OF LAKELAND, TENNESSEE

EXHIBIT A

FINANCIAL OBLIGATION AGREEMENT

This FINANCIAL OBLIGATION AGREEMENT (this “Agreement”) is made and entered into as of the ____ day of February, 2025 (the “Effective Date”), by and between THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF LAKE LAND, TENNESSEE (the “IDB”), a public nonprofit corporation and instrumentality of Lakeland, Tennessee, and the CITY OF LAKE LAND, TENNESSEE (the “City”).

WITNESSETH:

WHEREAS, the IDB approved an economic impact plan (the “Economic Impact Plan”) regarding the development of an area of approximately 100-acre tract of land located in the northwest and northeast corners of Canada Road and the Interstate 40 Exchange (the “Plan Area”) pursuant to Resolution R-26-2023; and

WHEREAS, the IDB also approved, pursuant to the same Resolution mentioned above, a Tax Increment Financing Application (the “TIF Application”) for the Plan Area and the Economic Impact Plan; and

WHEREAS, the Economic Impact Plan states that the IDB will provide financial assistance to the development of the Plan Area by borrowing the amount necessary to provide such assistance (the “Tax Increment Financing”); and

WHEREAS, the City’s Board of Commissioners (the “BOC”) and the IDB approved, pursuant to Resolution R-119-2024 and Resolution R-114-2024, respectively, the IDB, as Borrower, the City, as Contractual Obligor, and FirstBank, as Lender, to enter into a Loan Commitment Letter to finance certain costs of the development; and

WHEREAS, the BOC and the IDB also approved, pursuant to Resolution R-147-2024 and Resolution R-143-2024, respectively, the Loan Documents with FirstBank for the development of the Plan Area in an amount not to exceed \$6,000,000; and

WHEREAS, pursuant to the Loan Documents, Article V, Section 5.5, the City becomes the direct obligor of the loan and assumes all payment obligations of the IDB if the IDB defaults under the Loan Documents; and

WHEREAS, the IDB and the City desire to enter into this Agreement to impose an obligation upon the IDB, which requires the IDB to reimburse the City for any payments the City makes as a result of the Loan Documents; and

WHEREAS, the IDB's reimbursement obligation to the City shall be subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the parties agree as follows:

1. No Pledge of the City's Faith and Credit. The Tax Increment Financing shall not represent or constitute a debt or pledge of the faith and credit or the taxing power of the City for approval with Tennessee Code Annotated 7-53-312.
2. Term. The term of this Financial Obligation Agreement shall commence on the Effective Date and shall continue in effect until the earlier of (a) the payoff of the debt owed by the IDB to FirstBank under the Loan Documents or (b) November 30, 2046.
3. Payment; Interest Rate.
 - a. In the event that the City makes any payment for the IDB under the Loan Documents, the City shall immediately notify the IDB, and the IDB shall be required to reimburse the City for such payment within sixty (60) days after the City notifies the IDB. In the event that the IDB does not make the reimbursement payment within sixty (60) days after the City notifies the IDB, the IDB shall be in default.
 - b. Upon default of a reimbursement payment, the IDB shall owe the City the applicable reimbursement payment, plus the Default Interest. For purposes of this Agreement, the "Default Interest" shall be calculated as the lesser of (i) the interest rate paid on the most recent debt issuance by the City or (ii) the maximum rate allowable by applicable law.
4. Notices. Any notice, request, demand, instruction or other communication (a "Notice") to be given to any party with respect to this Agreement may be given either by the party or its counsel and shall be deemed to have been properly sent and given when (a) delivered by hand, (b) sent by certified mail, return receipt requested, or (c) sent by reputable courier service. If delivered by hand or courier service, a Notice shall be deemed to have been sent, given and received on the date when actually received by the addressee (or on the date when the addressee refuses to accept delivery of same). If sent by certified mail, a Notice shall be deemed to have been sent and given when properly deposited with the United States Postal Service with the proper address and postage paid therewith, and shall be deemed to have been received on the fifth (5th) business day following the date of such deposit, whether or not actually received by addressee. The addresses to which Notices shall be sent are:

If to the City: City of Lakeland, Tennessee
10001 Highway 70, Lakeland, TN 38002
Attention: Mayor or City Manager

If to the IDB: The Industrial Development Board of the
City of Lakeland, Tennessee
10001 Highway 70, Lakeland, TN 38002
Attention: Chair or President

5. Cooperation of the Parties. The parties agree to cooperate with each other to facilitate the transactions described herein.
6. Assignment. The parties shall not assign any right or obligation hereunder without first receiving the written consent of the other non-assigning party.
7. Severability. If a court of competent jurisdiction determines that any term of this Agreement is invalid or unenforceable to any extent under applicable law, the remainder of this Agreement (and the application of this Agreement to other circumstances) shall not be affected thereby, and each remaining term shall be valid and enforceable to the fullest extent permitted by law.
8. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Tennessee. The Chancery Court and/or the Circuit Court of Shelby County, Tennessee shall have exclusive and concurrent jurisdiction of any disputes which arise hereunder.
9. Entire Agreement. This Agreement contains the entire understanding among the parties with respect to the matters contained herein and supersedes any prior understanding and agreements between them respecting the within subject matter. There are no representations, agreements, arrangements or understandings, oral or written, between or among the parties hereto relating to the subject matter of this Agreement which are not fully expressed herein.
10. Amendments and Modifications. No amendment, modification, or alteration to this Agreement shall be valid or enforceable nor shall any waiver of any provision be effective unless such amendment, modification, alteration, or waiver is approved, in writing, by the governing bodies of the City and the IDB.
11. Headings. The paragraph headings are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope or intent of this Agreement or in any way affect this Agreement.
12. Authorized Representatives. Any action required of or permitted to be taken pursuant to this Agreement by any of the parties hereto may be performed by an authorized representative of the respective party without further action by the governing body of such

party, except as may be otherwise required by the Certificate of Incorporation of the IDB or the Charter of the City.

13. Limitation of Liability. All covenants, stipulations, promises, agreements and obligations of the parties contained in this Agreement shall be deemed to be the respective limited covenants, stipulations, promises, agreements and obligations of the parties, as applicable, and not of any officer, director, employee or agent of such parties nor of any incorporator, director, employee or agent of any successor corporation to any such party, in its individual capacity. No recourse shall be had against any such individual, either directly or otherwise under or upon any obligation, covenant, stipulation, promise or agreement contained herein or in any other document executed in connection herewith.

[signatures on the following page]

IN WITNESS WHEREOF, the parties hereto have caused this Financial Obligation Agreement to be duly executed and delivered by their respective officials thereunto duly authorized as of the date first written above.

THE CITY OF LAKELAND, TENNESSEE

Josh Roman, *Mayor*

Attest:

Cheyenne Carter, *City Recorder*

**THE INDUSTRIAL DEVELOPMENT BOARD
OF THE CITY OF LAKELAND, TENNESSEE**

Alan Johnson, *Chair*

Attest:

Steve Laster, *Secretary*

46591078.1

Meeting Cycle: Thursday, February 6, 2025

Subject: **Discussion and Resolution** - Board of Commissioners priorities for the fiscal year 2026 annual budget, and approving the strategic goals of the Board of Commissioners of the City of Lakeland, Tennessee.

Staff Contact: Sue Matthews, Finance Director

STAFF RECOMMENDATION

City Staff recommends that the Board of Commissioners discuss the current strategic goals and, should revisions be deemed necessary, amend and adopt Resolution R-23-2025.

BUDGET IMPACT

The strategic goals adopted by the Board of Commissioners serve as the priorities for the preparation of the Fiscal Year 2026 Annual Budget, as well as the long-term financial plans and capital improvement plans included therein.

DISCUSSION

In discussing the Board of Commissioners' strategic goals, two potential outcomes may occur:

1. The BOC determines that the goals enumerated in Resolution R-21-2024 remain in effect and unchanged.
2. Modifications, additions, or removal of specific goals are warranted.

With Option 1 - no formal action by the BOC is needed, as Resolution R-21-2024 would remain in effect.

With Option 2 - a resolution template is provided in the form of Resolution R-23-2025, which would require a proper amendment to enumerate the strategic goals the BOC establishes through discussion relative to this item. The amended Resolution R-23-2025 would then be recommended for proper vote and approval.

If Option 1 is desired, or if Option 2 fails to receive approval by majority vote, Resolution R-21-2024 would remain in effect.

RESOLUTION R-23-2025

APPROVING THE STRATEGIC GOALS OF THE BOARD OF COMMISSIONERS OF
THE CITY OF LAKELAND, TENNESSEE

WHEREAS, on March 7, 2024, Resolution R-21-2024 established the Board of Commissioners of the City of Lakeland, Tennessee's (the "BOC") official strategic goals guiding the planning and execution of the City's activities; and,

WHEREAS, on February 6, 2025, the BOC discussed revision of these strategic goals to serve as the priorities guiding City Staff activities and budget preparation:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the official strategic goals guiding the planning and execution of the City's activities are as follows:

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 6th day of February 2025, the public welfare requiring it.

ATTEST:

Josh Roman
Mayor

Cheyenne Carter
City Recorder

RESOLUTION R-21-2024

APPROVING THE STRATEGIC GOALS OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAKELAND, TENNESSEE

WHEREAS, on February 9, 2023, Resolution R-24-2023 established the Board of Commissioners of the City of Lakeland, Tennessee's (the "BOC") official strategic goals guiding the planning and execution of the City's activities; and,

WHEREAS, on February 15, 2024, the BOC discussed revision of these strategic goals to serve as the priorities guiding City Staff activities and budget preparation:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Lakeland, Tennessee, that the official strategic goals guiding the planning and execution of the City's activities are as follows:

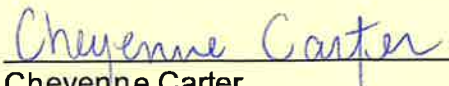
1. *Enhance City Planning:* Complete the adoption of revised Land Development Regulations and implement both the PULSE Comprehensive Plan and Land Development Regulations, communicating the relevant changes to developers, residents, and constituents.
2. *Public Safety:* Coordinate with public safety partners to support facility needs, explore additional community lighting to enhance public safety and crime prevention, explore ways to utilize contract security services for enhanced safety in Lakeland on the borders with neighboring communities, and develop funding strategies for implementing a roundabout system for traffic safety on the Highway 70 corridor.
3. *Economic Development:* Focus upon economic development to enhance City of Lakeland amenities and tax base, utilizing the benefits provided within tax increment financing districts and monitor progress against projections.
4. *Parks and Recreation:* Complete construction of the Lakeland Community Center and Phase II of the Memphis Arlington Athletic Complex, while continuing to explore the provision and construction of additional recreational baseball or softball facilities for continued expansion of available program space.
5. *Road Maintenance:* Continue to prioritize road maintenance and paving, utilizing and anticipating areas where preventative treatments for roadway life extension are warranted.

APPROVED AND ADOPTED by the Board of Commissioners of the City of Lakeland, Tennessee, this 7th day of March 2024, the public welfare requiring it.

ATTEST:



Josh Roman
Mayor



Cheyenne Carter
City Recorder