

A G E N D A

FARRAGUT BOARD OF MAYOR AND ALDERMEN

October 9, 2014

MCREE-WENTWORTH GREENWAY CONNECTOR RIBBON CUTTING

6:00 PM

BEER BOARD

6:55 PM

BMA MEETING

7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. September 25, 2014
- VI. Ordinances**
 - A. Public Notice and Second Reading**
 1. **Ordinance 14-11**, ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, BY AMENDING CHAPTER 3., SECTION XI., MULTI-FAMILY RESIDENTIAL DISTRICT (R-6), BY PROVIDING FOR NEW REQUIREMENTS, AS AUTHORIZED PURSUANT TO SECTION 13-4-201, TENNESSEE CODE ANNOTATED
 2. **Ordinance 14-12**, ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, BY AMENDING CHAPTER 3., SPECIFIC DISTRICT REGULATIONS., TO CREATE A NEW ZONING DISTRICT ENTITLED OPEN SPACE MULTI-FAMILY RESIDENTIAL OVERLAY (OSMFR), AS AUTHORIZED PURSUANT TO SECTION 13-4-201, TENNESSEE CODE ANNOTATED
 3. **Ordinance 14-13**, ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, BY AMENDING CHAPTER 4., SECTION XX. PARKING AND LOADING, A., 2. AND 3., TO CHANGE THE OFF-STREET PARKING PROVISIONS FOR MULTI-FAMILY USES,

AS AUTHORIZED PURSUANT TO SECTION 13-4-201, TENNESSEE
CODE ANNOTATED.

4. **Ordinance 14-15**, Ordinance to amend Ordinance 14-06, FY2015
General Fund Budget

B. First Reading

1. **Ordinance 14-19**, Ordinance to Amend the Town of Farragut Municipal
Code Title 16 Streets and Sidewalks by adding Chapter 6 Everett Road
Corridor Improvement Fee

VII. Business Items

- A. Approval of Settlement and Release Agreement with Knox County
Schools

VIII. Town Administrator's Report

IX. Town Attorney's Report

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

FARRAGUT BEER BOARD

October 9, 2014

6:55 PM

I. Approval of Minutes

A. September 11, 2014

II. Beer Permit Approval:

A. Approval of Class 2, On-Premise, Other permit for Echelon
Bicycles, 138 West End Ave.

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

FARRAGUT BEER BOARD MINUTES

September 11, 2014

Ron Honken, Chairman, called the beer board meeting to order at 6:55 PM. Elected officials present were Mayor McGill, Aldermen Honken, LaMarche, Markli and Pinchok.

Approval of Minutes

Motion was made to approve the minutes of August 28, 2014 as presented. Moved by Alderman Markli, seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, Markli and Pinchok, Alderman LaMarche abstained; no nays; motion passed.

Beer Permit Approval:

Approval of Special Occasion Beer Permit for the Farragut Food Festival, Farragut Business Alliance Applicant

Motion was made to waive the \$100 application fee and approve the special occasion beer permit for the 6th Annual Farragut Food Festival. Moved by Alderman Markli, seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche, Markli and Pinchok; no nays; motion passed.

Beer Board meeting adjourned at 7:00 PM.

Ron Honken, Chairman

Allison Myers, Town Recorder

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REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of a Class 2, On-Premise, Other permit for Echelon Bicycles, 138 West End Ave.

DISCUSSION:

The purpose of this agenda item is the approval of a Class 2, On-Premise, Other permit for Echelon Bicycles, 138 West End Ave. The Board of Mayor and Aldermen revised the beer permit ordinance in May 2014 to allow for additional classes of permits. The details of the Class 2 permit are below.

Class 2 on-premises permit, other.

Other establishments making application for a permit to sell beer for consumption on the premises, which do not qualify, or do not wish to apply for, a class 1 on-premises permit, but which otherwise meet all other regulations and restrictions in this chapter, shall apply for a class 2 on-premises permit. To qualify for a class 2 on-premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:

- a. On-premise permit holder must generate a minimum of ninety-five (95) percent of the gross revenues of the establishment from sales other than alcoholic beverages. Reporting procedures for establishments holding an on-premise permit are herewith established. Reporting forms shall be provided to establishments holding an on-premise permit and shall detail sales and alcoholic beverage sale percentages on an annual basis and shall be due on or before June 30. The permit holder will submit copies of all sales tax returns with appropriate documentation. These returns shall be subject to audit by the town. Reporting year shall be January 1 through December 31 of the previous year. The town recorder shall keep a record of such compliance and notify the beer board of an establishment which fails to meet the ninety-five (95) percent ratio.*

The application and information are in order.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

To approve a Class 2, On-Premise, Other permit for Echelon Bicycles, 138 West End Ave., subject to obtaining a certificate of occupancy.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

FD # 250
9/19/14
bn

APPLICATION FOR BEER PERMIT

STATE OF TENNESSEE

TOWN OF FARRAGUT

I hereby make application for a permit to sell, store, manufacture, or distribute Beer under the provisions of Tennessee Code Annotated Section 57-5-101 et seq. and base my application upon the answers to the following questions:

1. Reason for application: New Business ☒ New Ownership ☐ Name Change ☐ Other ☐
2. Type of permit requested, please circle all that apply:

Class 1 On-Premise

Class 2 On-Premise, Other

Class 3 On-Premise, Hotel/Motel

Class 4 On-Premise, Tavern

Class 5 Off-Premise

Class 6, Special Occasion

3. Name of Applicant(s) (Owner(s) of Business) Kelly Hamm, Tanya Jaynes

4. Type of applicant (check one):

Person ☐ Firm ☐ Corporation ☒ Joint-Stock Company ☐ Syndicate ☐ Other ☐

5. List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a 5% ownership interest in the business:

Kelly Hamm, Tanya Jaynes

6. Applicant's present home address:

10201 Julie Lane Knoxville, TN 37932

7. Date of Birth 10/11/69

Home Telephone Number

Business Telephone Number 865/392-1392

Social Security Number

8. Representative Email Address:

kelly@echelonbicycles.com

9. Under what name will the business operate?

Echelon Bicycles

10. Business address

138 West End Ave Farragut, 37934

Business Telephone number

865-392-1392

11. Specify the identity, email and physical address of the person to receive annual privilege tax notices and any other communication from the Town: Kelly Hamm, kelly@echelonbicycles.co
10201 Julie Lane, Knoxville TN 37932
12. Information of any manager, other than the applicant:
Name: _____ Birth Date: _____
Address: _____
Phone Number: _____
13. Has any person having at least a 5% ownership interest, any of the managers, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime within the last ten (10) years: Yes ☒ No. If yes, give particulars of each charge, court, and date convicted.

14. Have you or your organization ever had a Beer Permit revoked, suspended, or denied in the State of Tennessee? No If so, specify, where, when, and why: _____

15. Name and address of property owner, if other than the business owner:
Tommy Vann
16. What is the name and address of the Church (or other place of worship) nearest to your business?

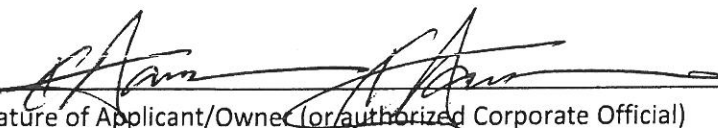
17. What is the name and address of the school nearest to your business?
Farragut Middle and High Schools
18. Special Occasion Event Name: _____
Location of the special occasion event: _____
Event Date & Times: _____
Representative name & phone number: _____
Have you received a special event permit to hold the event in the Town of Farragut? _____
19. Tennessee Sales Tax Number: 106232042
20. Town of Farragut Business License Number 2545

I certify that I am knowledgeable of the laws prohibiting the sale of beer to minors and that this application contains true information to the best of my knowledge and belief.

I understand that this application is subject to the Tennessee Public Records Act and shall be open for inspection and reproduction by any citizen. Tennessee Code Annotated 10-7-503.

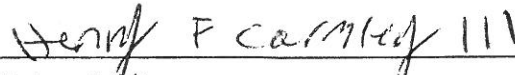
I understand that by submitting this application, a background investigation shall be conducted and any and any and all documents related to my request shall become public records.

I understand that the applicant or representative must be present at the beer board meeting in which the permit will be discussed.



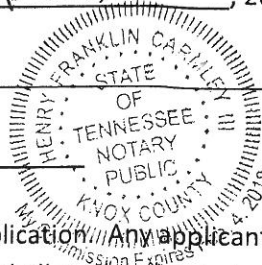
Signature of Applicant/Owner (or authorized Corporate Official)

Sworn to and subscribed before me this 19 day of September, 2014.



Notary Public

My Commission Expires: Feb 4th 2018



Notice: A non-refundable \$250 fee must accompany this application. Any applicant making false statement in this application shall forfeit his/her permit and shall not be eligible to receive any permit for a period of ten years.

A privilege tax of \$100 is imposed on the business of selling, distributing, storing or manufacturing beer in this state effective January 1, 1994 and each successive January 1. Any holder of a beer permit issued after January 1, 1994 shall pay a pro rata portion of this annual tax when the permit is issued.

FOR OFFICE USE ONLY

Application is hereby: Approved _____ Denied _____

On this date: _____, 20__

Beer Board Chairman

Town Recorder

MINUTES

FARRAGUT BOARD OF MAYOR AND ALDERMEN

September 25, 2014

WORKSHOP

5:15 PM

BMA MEETING

7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. September 11, 2014
- VI. Ordinance**
 - A. First Reading
 - 1. Ordinance 14-15, Ordinance to amend Ordinance 14-06, FY2015 Budget, General Fund
- VII. Business Items**
 - A. Approval of the Hot to Trot 5K/10K and Fun Run
 - B. Approval of the Farragut Fall 5K, Fun Run and Pet Parade
 - C. Approval of acceptance of Private Street within Townhomes at Wentworth
 - D. Approval of Dates for the November and December BMA meetings
 - E. Approval to Elect Voting Delegate (1) and Alternate Voting Delegates (2) to the National League of Cities Conference
 - F. Approval of Resolution R-2014-08 an Agreement with TDOT for maintenance of improvements at the intersection of US Highways 11 and 70
- VIII. Town Administrator's Report**
- IX. Town Attorney's Report**

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, September 11, 2014 at 7:00 p.m. Members present were Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent.

Approval of Agenda

Motion was made to approve the agenda as presented. Moved by Alderman LaMarche, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Mayor's Report

Vice-Mayor LaMarche thanks the town for allowing her to be a part of the National League of Cities and announced that the Women in Municipal Government Conference would be in Knoxville is 2016.

Citizens Forum

Denny Wren, 12224 W. Ashton Court, addressed the board about an update on the resurfacing in Andover Subdivision.

Approval of Minutes

Motion was made to approve the minutes of September 11, 2014 with a minor correction. Moved by Alderman Honken, Seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Ordinance

First Reading

Ordinance 14-15, Ordinance to amend Ordinance 14-06, FY2015 Budget, General Fund

Motion was made to approve Ordinance 14-15 on first reading. Moved by Alderman Honken, Seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Business Items

Approval of the Hot to Trot 5K/10K and Fun Run

Motion was made to approve the Hot to Trot 5K/10K and Fun Run road closures on Parkside Drive on November 27, 2014 from 6:00 AM to 10:00 AM. Moved by Alderman Honken, Seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of the Farragut Fall 5K, Fun Run and Pet Parade

Motion was made to approve the Farragut Fall 5K, Fun Run and Pet Parade road closures on Watt Road and Sedgefield subdivision on October 11, 2014 from 6:00 AM to 10:30 AM. Moved by Alderman Markli, Seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of acceptance of Private Street within Townhomes at Wentworth

Motion was made to approve the request to allow dedication of right of way and private street (Willow Ridge Way) in the Townhouses at Wentworth to the Town of Farragut. Moved by

Alderman LaMarche, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of Dates for the November and December BMA meetings

Motion was made to cancel the meetings of November 27 and December 25 and to hold the meeting for November on Thursday, November 13, 2014 and the meeting for December on Thursday, December 11, 2014. Moved by Alderman LaMarche, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval to Elect Voting Delegate (1) and Alternate Voting Delegates (2) to the National League of Cities Conference

Motion was made to nominate Mayor McGill as the voting delegate for the NLC Conference. Moved by Alderman LaMarche, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Motion was made to nominate Vice-Mayor LaMarche as the alternate voting delegate for the NLC Conference. Moved by Alderman Markli, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of Resolution R-2014-08 an Agreement with TDOT for maintenance of improvements at the intersection of US Highways 11 and 70

Motion was made to approve Resolution R-2014-08 and maintenance agreement with TDOT for maintenance of improvements at the intersection of US Highways 11 and 70. Moved by Alderman LaMarche, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced that the Farragut Food Festival is Friday, September 26 and that the Town would be hosting a Green Earth/Blue Skies festival at Founders Park and the new outdoor classroom.

Meeting adjourned at 7:35 PM

Ralph McGill, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director and Ashley Miller, Assistant Community Development Director

SUBJECT: Ordinance 14-11, on second reading, to amend the Farragut Zoning Ordinance, Chapter 3, Section XI, Multi-Family Residential District (R-6), by providing for new requirements (Ross Bradley, TDK Construction and PMG, Applicants)

BACKGROUND:

Several months ago TDK Construction and PMG initiated the text amendment process to consider the possibility of amending portions of the existing Multi-Family Residential District (R-6) in an effort to encourage greater housing choice, as recommended in Strategy 3 of the Comprehensive Land Use Plan (CLUP).

This item was first discussed at the planning commission meeting on May 15, 2014. Since that time, the planning commission has reviewed this item on June 19, 2014, July 17, 2014, and August 21, 2014. Additionally, the planning commission toured several multi-family developments in the area and assessed existing buffer strips in the Town on July 9, 2014. Throughout this lengthy public process, the drafting of Ordinance 14-11 evolved into the need for two additional ordinances: 1) Ordinance 14-12, which proposes the creation of a new zoning district, Open Space Multi-Family Residential Overlay (OSMFR), and 2) Ordinance 14-13, which proposes amendments to the parking regulations associated with multi-family developments.

Specifically, Ordinance 14-11 would amend the existing R-6 zoning district in the following areas:

- Redefine the areas within the Town where R-6 would be permissible to make it consistent with the CLUP;
- Update language to be consistent with other adopted plans and ordinances;
- Establish parameters for reducing setback and buffer strip requirements;
- Eliminate language related to Floor Area Ratio (FAR) and maximum lot size;
- Increase the overall density permitted in the R-6 district from ten (10) to twelve (12) units per acre;
- Establish parameters for transitioning building heights in relation to adjacent residential properties and increasing maximum height;
- Establish building façade and low impact development requirements.

This revision would remove limiting R-6 zoning to only areas adjacent to the interstate highway interchange, Dixie Lee Junction, and Watt Road and would allow, as appropriate, multi-family residential developments in areas identified for such uses in the adopted CLUP. The revision would also remove language related to blue line stream setbacks due to more stringent requirements that have been adopted in other ordinances and plans. And, the revision would require adherence to the Town's adopted lighting provisions, the CLUP, and the Pedestrian and Bicycle Plan.

As provided for in Ordinance 14-11, setback and buffer strip requirements have been amended to promote surface parking and accessory structures to be situated internal to the development. However, if the design includes surface parking on the perimeter, then the setback and buffer strip areas shall remain as established in the current provisions. As it relates to the buffer strip requirements, clarification has been provided for required buffer strips when the subject property adjoins properties that are zoned agricultural and/or residential.

During the planning commission tour on July 9, a point of discussion was the height of buildings when the subject property adjoins a residential or agricultural zone. In this regard, Ordinance 14-11 provides that any buildings within 100 feet of an adjoining property zoned residential or agricultural shall be no greater in height than the maximum height permitted for principle buildings in the adjoining residential or agricultural district. Beyond the 100 feet, the maximum building height would be three (3) stories or forty-five (45) feet. As mentioned above, this addresses the design concept of “transitions” described in the CLUP.

In order to be consistent with the Town’s current efforts in developing Architectural Design Standards, a section has been added to the R-6 District related to Building Façade Requirements. This is an effort to ensure that any multi-family developments that may be proposed prior to the standards being completed are consistent with the Town’s intent to develop and implement the standards. Staff worked with the Architectural Design Standards consultants, Winter & Company, in developing the proposed building façade language.

Another section added to the R-6 District is the Low Impact Development (LID) Requirements, which are the same requirements that were included in the BD-4 zoning district that was created in 2013. The LID Requirements are an effort to assist developers in utilizing more land area within the development by reducing the need for large detention basins while still meeting the requirements established in the stormwater ordinance.

DISCUSSION:

As mentioned above, the provisions in Ordinance 14-11 have been discussed at length and in some depth at a number of public hearings. Both the Strategic Plan and the CLUP have language that addresses the need for greater housing choice. Providing for more housing choices will also strengthen the local economy, as provided for in Goal 2 of the Strategic Plan, by enhancing the customer base to support local businesses and services. Ordinance 14-11 will also promote Goal 4, Objectives 4 and 5 of the Strategic Plan by providing for appropriate land uses for future development and ensuring that future development is consistent with Town plans and standards. The CLUP includes a number of areas where medium density residential may be appropriate. Ordinance 14-11 advances consistency with the plan in this regard.

After some discussion at their most recent meeting on August 21, 2014, the planning commission decided that they were ready for a formal vote on this request. Consequently, the commission voted 8-0 to approve Resolution PC-14-06 which recommends approval of Ordinance 14-11.

RECOMMENDATION BY:

The planning commission recommended 8-0 to approve Ordinance 14-11. The staff also recommends approval of Ordinance 14-11.

PROPOSED MOTION:

To approve Ordinance 14-11, on second reading, to amend the Farragut Zoning Ordinance, Chapter 3, Section XI, to consider providing for new requirements to the Multi-Family Residential District (R-6).

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>PINCHOK</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

(Proposed changes are in red, blue and green. Text in green reflects changes from July FMPC meeting)

XI. Multi-Family Residential District (R-6). (Referenced as Ordinance 14-11)

A. *General description.* ~~The intent of this zone is to permit lands that are suited for such development and that are adjacent to the interstate highway interchange, in the Dixie Lee Junction area, and adjacent to Watt Road,~~ Consistent with adopted plans and policies of the Town, this district is intended primarily to provide for the development of multi-family developments, such as apartments and group housing facilities. This district shall serve as a transition area between more intense land uses or major roads and less intense land uses. These areas should be free from severe natural environmental limitations and provide access to a street having a designated classification of arterial, or a street which is not interior to a subdivision and which directly accesses a street having a designated classification of arterial. The street on which the development accesses must also meet the minimum design standards established in the Farragut Subdivision Regulations.

B. *Permitted uses and structures.*

1. Apartment buildings.
2. Recreational facilities and open spaces which are developed as an integral part of the development.
3. Elderly and group housing as regulated in Chapter 4.
4. Nursing homes as regulated in Chapter 4.
5. Day care facilities as regulated in Chapter 4.
6. Schools, public and private, and churches and other places of worship provided the following development criteria are met:
 - a. Access shall be directly to a street having a designated classification of local collector or greater, or a local street which is not interior to a subdivision. The street on which the school or church accesses must meet the minimum design standards established in the Farragut Subdivision Regulations.
 - b. There shall be a minimum lot size of five (5) acres.
 - c. There shall be a buffer strip which meets the following minimum development criteria:
 - 1) The buffer strip shall be a minimum of twenty-five (25) feet in width on all side and rear property lines;
 - 2) Existing, mature vegetation shall be preserved and incorporated into the buffer strip;
 - 3) No grading shall occur in the buffer strip; and
 - 4) Detention basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within any buffer strips.
 - d. The following setback requirements are met:
 - 1) *Front yard.* All buildings and structures, excluding signs, shall be set back from the nearest point of any right-of-way no less than fifty (50) feet. For the purposes of

this ordinance, the interstate highway right-of-way shall be considered a side or rear lot line.

2) *Side and rear yards.*

- a) All buildings shall be set back a minimum of fifty (50) feet. Setbacks shall be measured from the nearest point of any property line; and
- b) All accessory structures, excluding signs and fences, shall be set back a minimum of thirty (30) feet. Setbacks shall be measured from the nearest point of any property line.
- e. The maximum coverage for the total building area shall not exceed thirty-five (35) percent and the total lot coverage shall not exceed sixty (60) percent.
- f. A site plan and landscape plan shall be submitted as regulated in Chapter 4.
- 7. Agricultural crops, but not nursery sales or the raising of farm animals or poultry, provided there is a minimum lot size of five (5) acres.
- 8. Agricultural accessory uses and structures, provided there is a minimum lot size of five (5) acres.
- 9. Accessory uses and structures.
- 10. Customary Home Occupations as regulated in Chapter 4.
- 11. Signs as regulated in the Municipal Code.
- 12. Utility uses.

C. *Minimum development requirements.*

- 1. The development shall conserve, in so far as practical, natural and manmade features on the site, including but not limited to trees, historic features, and wetlands.
- 2. A survey of the natural features shall be completed where appropriate. Natural features shall include but are not limited to wetlands, rock formations, trees, sink holes, streams, topographic features, and endangered species habitats. Development shall comply with the Tree *Protection Ordinance*.
- ~~3. All blue line streams must remain in their natural state and shall not be piped, except for access crossings. All buildings, structures, driveways, parking lots, and other similar improvements must be set back a minimum of ten (10) feet from the top of the stream banks.~~
- 3. Access ways and parking areas shall be designed to reduce the grading of the site and preserve the natural topography as much as practical. Site design should preserve large, existing trees when possible and reduce the clearing necessary for building sites. The maximum slope created as a result of a proposed development shall not be greater than 3:1 (run/rise). Terracing may be permitted per the Town Engineer's approval.
- 4. Developments shall directly access a street having a designated classification of arterial, or a street which is not interior to a subdivision and which directly accesses a street having a designated classification of arterial. The street on which the development accesses must meet the minimum design standards established in the Farragut Subdivision Regulations.
- 5. Internal access and circulation shall provide for adequate ingress/egress of fire fighting equipment, service deliveries, furniture moving vans, and refuse collection vehicles.

6. Internal pedestrian access and circulation shall be provided where deemed appropriate by the planning commission.
7. *Parking areas and sidewalks shall be lighted for night use where appropriate. All lighting shall comply with Town of Farragut lighting provisions.*
8. A site plan of the development shall be submitted as regulated in Chapter 4.
9. *The approved plan shall be in compliance with the Farragut Comprehensive Land Use Plan, the Pedestrian and Bicycle Plan, and all other adopted plans and ordinances of the Town of Farragut.*
10. If common recreational facilities and/or open spaces are developed as part of a development, details must be included in the site plan submittal. These common areas which may include driveways, parking areas, walkways, and steps should be lighted for night use where appropriate. The means of preserving and maintaining the common open space and other common property shall be assured as part of the development.
11. A landscape plan for the development shall be submitted as regulated in Chapter 4.

D. *Area regulations.*

1. *Setback requirements.*

a. Front yard:

All buildings (principle and accessory) shall be set back a minimum of fifty (50) feet from front property lines. Parking shall be set back a minimum of twenty (20) feet from front property lines. Detention basin structures, subdivision walls, entrance pillars, and certain utility structures shall be set back a minimum of ten (10) feet from front property lines. Electrical substations, utility offices, or any other utility building shall meet the required fifty (50) foot front yard setback.

b. Side/rear yard:

All principle buildings that are positioned along a side or rear property line shall be set back a minimum of thirty-five (35) feet from the nearest side or rear property line(s). Where surface parking is arranged along a side or rear property line, all principle buildings and parking lots shall be set back a minimum of fifty (50) feet from the nearest side or rear property line(s).

c. Accessory structures:

Where the adjacent property is zoned residential or agricultural, accessory structures shall be set back from the nearest point of any side or rear property line a minimum of one hundred (100) feet.

Where the adjacent property is zoned non-residential or non-agricultural, accessory structures shall be set back from the nearest point of any side or rear property line a minimum of thirty-five (35) feet.

2. *Buffer strips.*

a. Front yard:

A buffer strip is not required in a front yard but the development must provide for a landscape design that, at a minimum, would include plant material distributed within the area twenty (20) feet from the front property line(s). The landscape design shall be approved by the Visual Resources Review Board.

b. Side/rear yard:

Whenever a principle building is positioned along a side or rear property line and the adjacent property is zoned residential or agricultural, there shall be a buffer strip a minimum of thirty-five (35) feet in width. If the area within this buffer strip is not wooded the area shall be planted to the requirements of a fifty (50) foot buffer strip as provided for in the landscaping requirements of Chapter 4.

Whenever a **surface** parking lot is arranged along a side or rear property line and abuts property zoned residential or agricultural, there shall be a buffer strip a minimum of fifty (50) feet in width as provided for in the landscaping requirements of Chapter 4.

- c. Whenever a side or rear property line abuts property that is zoned non-residential or non-agricultural, there shall be a buffer strip a minimum of twenty-five (25) feet in width as provided for in the landscaping requirements of Chapter 4.
 - d. Other than an approved fence or masonry screen wall used for buffering purposes or a utility or pedestrian facility that bisects a buffer strip in a perpendicular manner, no structures are permitted within a required buffer strip.
 - e. Existing, mature vegetation shall be preserved and incorporated into the buffer strips.
 - f. Detention basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within any buffer strips.
3. *Maximum lot coverage.* Total lot coverage — Fifty (50) percent, except as provided for elsewhere in this ordinance.
4. ~~*Floor area ratio (FAR).* The purpose of using the FAR concept is to provide the developer greater flexibility in the design of the facility. The FAR shall not exceed twenty-five (25) percent.~~
Minimum distance between buildings. There shall be a minimum of twenty (20) feet between all freestanding buildings, as measured from the closest point between two buildings.
5. *Land area.*
- a. Minimum lot size of five (5) acres.
 - ~~b. Maximum lot size of fifteen (15) acres.~~
6. *Density.* Maximum overall density shall not exceed twelve (12) units per acre. This density of twelve (12) units per acre is a maximum number only and is permitted only if all requirements of the Town of Farragut have been met.

E. *Height regulations.*

- 1. Whenever the adjacent property is zoned residential or agricultural, no buildings to be constructed within 100 feet of a periphery property line shall exceed the maximum height permitted for principal dwelling units in the adjacent zoning district(s).

When abutting all other zoning districts or where buildings are greater than 100 feet from a periphery property line such buildings shall not exceed three (3) stories, or **forty-five (45)** feet in height.

2. *No accessory structures, other than a clubhouse or comparable amenities building, shall exceed fifteen (15) feet in height. A clubhouse or comparable amenities building shall not exceed twenty-five (25) feet in height.*

F. *Parking.* Parking shall be provided as regulated in Chapter 4. All overflow parking shall be centrally located or uniformly distributed throughout the development.

AMEND CHAPTER 4 - - Apartments: One and three-fourth (1 ¾) spaces per dwelling unit.

G. *Building façade requirements.* Building façades shall use high-quality, durable, materials that are architecturally compatible and include a significant masonry element. Building façades shall not use fabricated metal panels or vinyl siding and shall include only limited use of synthetic stucco (EIFS) or panelized brick (such materials may be appropriate as accents or on upper floor façades). The use of high-quality, durable, stone veneer may be acceptable when it is detailed to have the appearance of authentic stone. At a building corner, the veneer should wrap around the corner and should, at a minimum, extend to a depth of traditional stone. The objective is to assure that synthetic products convey an authenticity similar to genuine masonry.

H. *Low Impact Development Requirements.* The development shall incorporate a minimum of one (1) of the following Low Impact Development (LID) practices into the design:

1. Twenty-five (25) percent of the parking lot being constructed with permeable pavers;
2. Stormwater runoff draining to rain gardens;
3. A building(s) being constructed with a vegetated roof, commonly referred to as a green roof;
4. Stormwater draining to bioswales/bioretenion facilities; or
5. Rainwater being harvested for irrigation or gray water uses.

ORDINANCE:	14-11
PREPARED BY:	Shipley
REQUESTED BY:	TDK Construction and PMG
CERTIFIED BY FMPC:	August 21, 2014
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, BY AMENDING CHAPTER 3., SECTION XI., MULTI-FAMILY RESIDENTIAL DISTRICT (R-6), BY PROVIDING FOR NEW REQUIREMENTS, AS AUTHORIZED PURSUANT TO SECTION 13-4-201, TENNESSEE CODE ANNOTATED.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended as follows:

SECTION 1.

Chapter 3, Section XI., Multi-Family Residential District (R-6), is amended by deleting it in its entirety and substituting in lieu thereof the following:

XI. MULTI-FAMILY RESIDENTIAL DISTRICT (R-6)

A. General Description

Consistent with adopted plans and policies of the Town, this district is intended primarily to provide for the development of multi-family developments, such as apartments and group housing facilities. This district shall serve as a transition area between more intense land uses or major roads and less intense land uses. These areas should be free from severe natural environmental limitations and provide access to a street having a designated classification of arterial, or a street which is not interior to a subdivision and which directly accesses a street having a designated classification of arterial. The street on which the development accesses must also meet the minimum design standards established in the Farragut Subdivision Regulations.

B. Permitted Uses and Structures

1. Apartment buildings.
2. Recreational facilities and open spaces which are developed as an integral part of the development.
3. Elderly and group housing as regulated in Chapter 4.
4. Nursing homes as regulated in Chapter 4.
5. Day care facilities as regulated in Chapter 4.
6. Schools, public and private, and churches and other places of worship provided the following development criteria are met:
 - a. Access shall be directly to a street having a designated classification of local collector or greater, or a local street which is not interior to a subdivision. The street on which the school or church accesses must meet the minimum design standards established in the Farragut Subdivision Regulations.
 - b. There shall be a minimum lot size of five (5) acres.
 - c. There shall be a buffer strip which meets the following minimum development criteria:
 - 1) The buffer strip shall be a minimum of twenty-five (25) feet in width on all side and rear property lines;
 - 2) Existing, mature vegetation shall be preserved and incorporated into the buffer strip;
 - 3) No grading shall occur in the buffer strip; and
 - 4) Detention basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within any buffer strips.
 - d. The following setback requirements are met:
 - 1) Front Yard

All buildings and structures, excluding signs, shall be set back from the nearest point of any right-of-way no less than fifty (50) feet. For the purposes of this ordinance, the interstate highway right-of-way shall be considered a side or rear lot line.
 - 2) Side and Rear Yards
 - a) All buildings shall be set back a minimum of fifty (50) feet. Setbacks shall be measured from the nearest point of any property line; and
 - b) All accessory structures, excluding signs and fences, shall be set back a minimum of thirty (30) feet. Setbacks shall be measured from the nearest point of any property line.
 - e. The maximum coverage for the total building area shall not exceed thirty-five (35) percent and the total lot coverage shall not exceed sixty (60) percent.
 - f. A site plan and landscape plan shall be submitted as regulated in Chapter 4.
7. Agricultural crops, but not nursery sales or the raising of farm animals or poultry, provided there is a minimum lot size of five (5) acres.
8. Agricultural accessory uses and structures, provided there is a minimum lot size of five (5) acres.

9. Accessory uses and structures.
10. Customary Home Occupations as regulated in Chapter 4.
11. Signs as regulated in the Municipal Code.
12. Utility uses.

C. Minimum Development Requirements

1. The development shall conserve, in so far as practical, natural and manmade features on the site, including but not limited to trees, historic features, and wetlands.
2. A survey of the natural features shall be completed where appropriate. Natural features shall include but are not limited to wetlands, rock formations, trees, sink holes, streams, topographic features, and endangered species habitats. Development shall comply with the Tree Protection Ordinance.
3. Access ways and parking areas shall be designed to reduce the grading of the site and preserve the natural topography as much as practical. Site design should preserve large, existing trees when possible and reduce the clearing necessary for building sites. The maximum slope created as a result of a proposed development shall not be greater than 3:1 (run/rise). Terracing may be permitted per the Town Engineer's approval.
4. Developments shall directly access a street having a designated classification of arterial, or a street which is not interior to a subdivision and which directly accesses a street having a designated classification of arterial. The street on which the development accesses must meet the minimum design standards established in the Farragut Subdivision Regulations.
5. Internal access and circulation shall provide for adequate ingress/egress of fire fighting equipment, service deliveries, furniture moving vans, and refuse collection vehicles.
6. Internal pedestrian access and circulation shall be provided where deemed appropriate by the planning commission.
7. Parking areas and sidewalks shall be lighted for night use where appropriate. All lighting shall comply with Town of Farragut lighting provisions.
8. A site plan of the development shall be submitted as regulated in Chapter 4.
9. The approved plan shall be in compliance with the Farragut Comprehensive Land Use Plan, the Pedestrian and Bicycle Plan, and all other adopted plans and ordinances of the Town of Farragut.
10. If common recreational facilities and/or open spaces are developed as part of a development, details must be included in the site plan submittal. These common areas which may include driveways, parking areas, walkways, and steps should be lighted for night use where appropriate. The means of preserving and maintaining the common open space and other common property shall be assured as part of the development.
11. A landscape plan for the development shall be submitted as regulated in Chapter 4.

D. Area Regulations

1. Setback Requirements

a. Front yard:

All buildings (principle and accessory) shall be set back a minimum of fifty (50) feet from front property lines. Parking shall be set back a minimum of twenty (20) feet from front property lines. Detention basin structures, subdivision walls, entrance pillars, and certain utility structures shall be set back a minimum of ten (10) feet from front property lines. Electrical substations, utility offices, or any other utility building shall meet the required fifty (50) foot front yard setback.

b. Side/rear yard:

All principle buildings that are positioned along a side or rear property line shall be set back a minimum of thirty-five (35) feet from the nearest side or rear property line(s).

Where surface parking is arranged along a side or rear property line, all principle buildings and parking lots shall be set back a minimum of fifty (50) feet from the nearest side or rear property line(s).

c. Accessory structures:

Where the adjacent property is zoned residential or agricultural, accessory structures shall be set back from the nearest point of any side or rear property line a minimum of one hundred (100) feet.

Where the adjacent property is zoned non-residential or non-agricultural, accessory structures shall be set back from the nearest point of any side or rear property line a minimum of thirty-five (35) feet.

2. Buffer Strips

a. Front yard:

A buffer strip is not required in a front yard but the development must provide for a landscape design that, at a minimum, would include plant material distributed within the area twenty (20) feet from the front property line(s). The landscape design shall be approved by the Visual Resources Review Board.

b. Side/rear yard:

Whenever a principle building is positioned along a side or rear property line and the adjacent property is zoned residential or agricultural, there shall be a buffer strip a minimum of thirty-five (35) feet in width. If the area within this buffer strip is not wooded the area shall be planted to the requirements of a fifty (50) foot buffer strip as provided for in the landscaping requirements of Chapter 4.

Whenever a surface parking lot is arranged along a side or rear property line and abuts property zoned residential or agricultural, there shall be a buffer strip a minimum of fifty (50) feet in width as provided for in the landscaping requirements of Chapter 4.

c. Whenever a side or rear property line abuts property that is zoned non-residential or non-agricultural, there shall be a buffer strip a minimum of twenty-five (25) feet in width as provided for in the landscaping requirements of Chapter 4.

- d. Other than an approved fence or masonry screen wall used for buffering purposes or a utility or pedestrian facility that bisects a buffer strip in a perpendicular manner, no structures are permitted within a required buffer strip.
 - e. Existing, mature vegetation shall be preserved and incorporated into the buffer strips.
 - f. Detention basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within any buffer strips.
3. Maximum Lot Coverage
Total lot coverage — Fifty (50) percent, except as provided for elsewhere in this ordinance.
4. Minimum Distance Between Buildings
There shall be a minimum of twenty (20) feet between all freestanding buildings, as measured from the closest point between two buildings.
5. Land Area
Minimum lot size of five (5) acres.
6. Density
Maximum overall density shall not exceed twelve (12) units per acre. This density of twelve (12) units per acre is a maximum number only and is permitted only if all requirements of the Town of Farragut have been met.

E. Height Regulations

- 1. Whenever the adjacent property is zoned residential or agricultural, no buildings to be constructed within 100 feet of a periphery property line shall exceed the maximum height permitted for principal dwelling units in the adjacent zoning district(s).
When abutting all other zoning districts or where buildings are greater than 100 feet from a periphery property line such buildings shall not exceed three (3) stories, or forty-five (45) feet in height.
- 2. No accessory structures, other than a clubhouse or comparable amenities building, shall exceed fifteen (15) feet in height. A clubhouse or comparable amenities building shall not exceed twenty-five (25) feet in height.

F. Parking

Parking shall be provided as regulated in Chapter 4. All overflow parking shall be centrally located or uniformly distributed throughout the development.

G. Building Façade Requirements

Building façades shall use high-quality, durable, materials that are architecturally compatible and include a significant masonry element. Building façades shall not use fabricated metal panels or vinyl siding and shall include only limited use of synthetic stucco (EIFS) or

panelized brick (such materials may be appropriate as accents or on upper floor façades). The use of high-quality, durable, stone veneer may be acceptable when it is detailed to have the appearance of authentic stone. At a building corner, the veneer should wrap around the corner and should, at a minimum, extend to a depth of traditional stone. The objective is to assure that synthetic products convey an authenticity similar to genuine masonry.

H. Low Impact Development Requirements

The development shall incorporate a minimum of one (1) of the following Low Impact Development (LID) practices into the design:

1. Twenty-five (25) percent of the parking lot being constructed with permeable pavers;
2. Stormwater runoff draining to rain gardens;
3. A building(s) being constructed with a vegetated roof, commonly referred to as a green roof;
4. Stormwater draining to bioswales/bioretenention facilities; or
5. Rainwater being harvested for irrigation or gray water uses.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2014, with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director and Ashley Miller, Assistant Community Development Director

SUBJECT: Ordinance 14-12, on second reading, to amend the Farragut Zoning Ordinance, Chapter 3, Specific District Regulations, to create Section XXVIII, being a new zoning district entitled Open Space Multi-Family Residential Overlay District (OSMFR), (Ross Bradley, TDK Construction and PMG, Applicants)

BACKGROUND:

As with Ordinance 14-11, several months ago TDK Construction and PMG initiated the text amendment process to consider the possibility of amending portions of the existing Multi-Family Residential District (R-6) in an effort to encourage greater housing choice, as recommended in Strategy 3 of the Comprehensive Land Use Plan (CLUP). Based on these public discussions, the need arose for a multi-family district that would provide more flexibility and design freedom in exchange for conservation of environmentally sensitive areas.

The planning commission began discussing amendments to the R-6 zone at the meeting on May 15, 2014. Since that time, Ordinance 14-12 evolved from subsequent planning commission meetings. Primarily the discussion centered around providing for more flexible design standards which promote clustering of buildings in more suitable areas on a property, which also lessens development cost, in exchange for setting aside a minimum of 50% of the gross land area as preserved common open space.

Due to the success of the Town's two other open space overlay districts, Open Space Residential Overlay (OSR) and Open Space Mixed Residential Overlay (OSMR), the planning commission felt that an open space overlay district specifically for multi-family developments would be helpful for properties that contained significant physical limitations.

Specifically, Ordinance 14-12 establishes the following variations from Ordinance 14-11 (the ordinance that governs the base R-6 zoning district):

- Establish a minimum common open space requirement of 50%;
- Establish a reduced front yard setback requirement of thirty-five (35) feet;
- Establish lessened setbacks and buffer strips for side and rear yards that abut non-residential or non-agriculture zones;
- Establish an increased maximum height while maintaining some parameters for transitioning building heights in relation to adjacent residential properties.

Similar to Ordinance 14-11, a point of considerable discussion with the planning commission was the height of buildings when the subject property adjoins a residential or agricultural zone. In this regard, Ordinance 14-12 provides that any buildings within 100 feet of an adjoining property zoned residential or agricultural shall not exceed a maximum height of three (3) stories or forty-five (45) feet. However, beyond the 100 feet, the maximum building height could be four (4) stories or fifty-five (55) feet. As mentioned above, this addresses the design concept of "transitions" described in the CLUP.

DISCUSSION:

Also similar to Ordinance 14-11, the development of Ordinance 14-12 has been discussed at length and in some depth at a number of public hearings. Both the Strategic Plan and the CLUP have language that addresses the need for greater housing choice. Providing for more housing choices will also strengthen the local economy, as provided for in Goal 2 of the Strategic Plan, by enhancing the customer base to support local businesses and services. Ordinance 14-12 will also promote Goal 4, Objectives 4 and 5 of the Strategic Plan by providing for appropriate land uses for future development and ensuring that future development is consistent with Town plans and standards. The CLUP includes a number of areas where medium density residential may be appropriate. Ordinance 14-12 advances consistency with the plan in this regard.

Per the discussion as part of the first reading on September 11, the staff has made some very minor modifications to the Common Open Space section of Ordinance 14-12. These changes are noted in the ordinance for your consideration and are highlighted in red. Words being removed are shown with a strikethrough.

RECOMMENDATION BY:

The planning commission recommended 8-0 to approve Ordinance 14-12. The staff also recommends approval of Ordinance 14-12.

PROPOSED MOTION:

To approve Ordinance 14-12, on second reading, to amend the Farragut Zoning Ordinance, Chapter 3, to create Section XXVIII, being a new zoning district entitled Open Space Multi-Family Residential Overlay District (OSMFR).

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>PINCHOK</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

(Text in green reflects changes from July FMPC meeting)

Open Space Multi-Family Residential Overlay District. (Referenced as Ordinance 14-12)

A. *General description.* It is the intent of this overlay district to provide for greater flexibility and design freedom in order to encourage a better living environment and the conservation of environmentally sensitive areas. The increased flexibility associated with this overlay district allows for additional height and increased density along with lessened setbacks and buffer strips. In exchange, the multi-family development shall generate a superior design that provides extensive common open space that capitalizes on the inherent physical characteristics of the property and its surrounding area.

B. *Application of the district.* The Open Space Multi-Family Residential Overlay District may be applied over the Multi-Family Residential District (R-6).

C. *Permitted uses and structures.*

1. Apartment buildings.
2. Recreational facilities and open spaces which are developed as an integral part of the development.
3. Elderly and group housing as regulated in Chapter 4.
4. Nursing homes as regulated in Chapter 4.
5. Accessory uses and structures.
6. Customary Home Occupations as regulated in Chapter 4.
7. Signs as regulated in the Municipal Code.
8. Utility uses.

D. *General minimum development requirements.*

1. A site plan, as regulated in the Farragut Zoning Ordinance, shall be submitted to the planning commission for review and approval. All applicable requirements shall be included as part of the development plan submission. The site plan shall be of the entire development and is required whether the project is developed in multiple phases or not.
2. The approved site plan shall be in compliance with the Farragut Comprehensive Land Use Plan, the Pedestrian and Bicycle Plan, and all other adopted plans and ordinances of the Town of Farragut.
3. Common open space.
 - a. Common open space shall be created as an integral part of the overall design. Within the designated open space, the development shall conserve, in so far as practical, natural and manmade features on the site, including but not limited to trees, floodplains, sinkholes, wetlands, springs, streams, wet weather conveyances, endangered species habitat, steep slopes, rock formations and other unique topographic features, and historic features.
 - b. In order to identify the areas to be designated as common open space, a survey of the natural features shall be completed where appropriate. Natural features shall include but are not limited to wetlands, rock formations, trees, sinkholes, streams, topographic features, and endangered species habitats. Development shall comply with the Tree Protection Ordinance.
 - c. Common open space may be improved for certain passive recreation uses, but open space containing natural features worthy of preservation (e.g. wetlands, woodlands, steep slopes, streams, springs, sinkholes, etc.) must be left unimproved and undisturbed. Areas within approved common open space that are not considered environmentally sensitive, such as

historic features, buffer strips, stormwater detention facilities, and approved passive recreational facilities (such as walking or hiking trails) may be maintained as approved by the Town staff or the planning commission.

4. Access ways and parking areas shall be designed to reduce the grading of the site and preserve the natural topography as much as practical. Site design should preserve large, existing trees when possible and reduce the clearing necessary for building sites. The maximum slope created as a result of a proposed development shall not be greater than 2½:1 (run/rise). Terracing may be permitted per the Town Engineer's approval.
5. Developments shall directly access a street having a designated classification of arterial, or a street which is not interior to a subdivision and which directly accesses a street having a designated classification of arterial. The street on which the development accesses must meet the minimum design standards established in the Farragut Subdivision Regulations.
6. Internal access and circulation shall provide for adequate ingress/egress of firefighting equipment, service deliveries, furniture moving vans, and refuse collection vehicles.
7. Internal pedestrian access and circulation shall be provided where deemed appropriate by the planning commission.
8. Parking areas and sidewalks shall be lighted for night use where appropriate. All lighting shall comply with Town of Farragut lighting provisions.
9. A landscape plan for the development shall be submitted as regulated in Chapter 4.

E. *Area regulations.*

1. Setback requirements

a. Front yard:

All buildings (principle and accessory) shall be set back a minimum of thirty-five (35) feet from front property lines. Parking shall be set back a minimum of twenty (20) feet from front property lines. Detention basin structures, subdivision walls, entrance pillars, and certain utility structures shall be set back a minimum of ten (10) feet from front property lines. Electrical substations, utility offices, or any other utility building shall meet the required thirty-five (35) foot front yard setback.

b. Side/rear yard:

All principle buildings that are positioned along a side or rear property line that is adjacent to property that is zoned residential or agricultural shall be set back a minimum of thirty-five (35) feet from the nearest side or rear property line(s).

Where surface parking is arranged along a side or rear property line and the adjacent property is zoned residential or agricultural, all principle buildings and parking lots shall be set back a minimum of fifty (50) feet from the nearest side or rear property line(s).

Whenever a side or rear property line abuts a non-residential or non-agricultural zone, all principle buildings and parking lots shall be set back a minimum of twenty (20) feet from the nearest side or rear property line(s).

c. Accessory structures:

Where the adjacent property is zoned residential or agricultural, accessory structures shall be set back from the nearest point of any side or rear property line a minimum of one hundred (100) feet.

Where the adjacent property is zoned non-residential or non-agricultural, accessory structures shall be set back from the nearest point of any side or rear property line a minimum of thirty-five (35) feet.

2. Minimum distance between buildings. There shall be a minimum of twenty (20) feet between all freestanding buildings, *as measured from the closest point between two buildings.*
3. Density. Maximum overall density shall not exceed *twelve (12)* units per acre. This density of *twelve (12)* units per acre is a maximum number only, and is permitted only if all requirements of the Town of Farragut have been met.
4. Land area. Minimum tract size for such a development shall be five (5) acres.
5. Common open space. A minimum of fifty (50) percent of the gross land area of the development shall be preserved as common open space. Such open space is to include environmentally sensitive lands, historic features, buffer strips, stormwater detention facilities, passive recreational facilities (such as walking or hiking trails) and other natural features as may be beneficial to the development and the community.
6. Buffer strips.
 - a. Front yard:

A buffer strip is not required in a front yard but the development must provide for a landscape design that, at a minimum, would include plant material distributed within the area twenty (20) feet from the front property line(s). The landscape design shall be approved by the Visual Resources Review Board.
 - b. Side/rear yard:

Whenever a principle building is positioned along a side or rear property line and the adjacent property is zoned residential or agricultural, there shall be a buffer strip a minimum of thirty-five (35) feet in width as provided for in the landscaping requirements of Chapter 4. If the area within this buffer strip is not wooded the area shall be planted to the requirements of a fifty (50) foot buffer strip as provided for in the landscaping requirements of Chapter 4.

Whenever a *surface* parking lot is arranged along a side or rear property line and abuts property zoned residential or agricultural, there shall be a buffer strip a minimum of fifty (50) feet in width as provided for in the landscaping requirements of Chapter 4.
 - c. Whenever a side or rear property line *abuts property that is zoned non-residential or non-agricultural*, there shall be a buffer strip a minimum of ten (10) feet in width.
 - d. Other than an approved fence or masonry screen wall used for buffering purposes or a utility or pedestrian facility that bisects a buffer strip in a perpendicular manner, no structures are permitted within a required buffer strip.
 - e. Existing, mature vegetation shall be preserved and incorporated into the buffer strips.
 - f. Detention basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within any buffer strips.

F. Height regulations.

1. *Whenever the adjacent property is zoned residential or agricultural, no buildings to be constructed within 100 feet of a periphery property line shall exceed three (3) stories, or forty-five (45) feet in height.*

When abutting all other zoning districts or where buildings are greater than 100 feet from a periphery property line, such buildings shall not exceed four (4) stories, or fifty-five (55) feet in height.

2. No accessory structures, other than a clubhouse or comparable amenities building, shall exceed fifteen (15) feet in height. A clubhouse or comparable amenities building shall not exceed twenty-five (25) feet in height.

G. *Parking.* Parking shall be provided as regulated in Chapter 4. All overflow parking shall be centrally located or uniformly distributed throughout the development.

AMEND CHAPTER 4 -- Apartments: One and three-fourth (1 ¾) spaces per dwelling unit.

H. *Building façade requirements.* Building façades shall use high-quality, durable, materials that are architecturally compatible and include a significant masonry element. Building façades shall not use fabricated metal panels or vinyl siding and shall include only limited use of synthetic stucco (EIFS) or panelized brick (such materials may be appropriate as accents or on upper floor façades). The use of high-quality, durable, stone veneer may be acceptable when it is detailed to have the appearance of authentic stone. At a building corner, the veneer should wrap around the corner and should, at a minimum, extend to a depth of traditional stone. The objective is to assure that synthetic products convey an authenticity similar to genuine masonry.

ORDINANCE:	14-12
PREPARED BY:	Shipley
REQUESTED BY:	TDK Construction and PMG
CERTIFIED BY FMPC:	August 21, 2014
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, BY AMENDING CHAPTER 3., SPECIFIC DISTRICT REGULATIONS., TO CREATE A NEW ZONING DISTRICT ENTITLED OPEN SPACE MULTI-FAMILY RESIDENTIAL OVERLAY (OSMFR), AS AUTHORIZED PURSUANT TO SECTION 13-4-201, TENNESSEE CODE ANNOTATED.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended as follows:

SECTION 1.

Chapter 3, Section XI., Specific District Regulations., is amended by adding the following:

XXVIII. OPEN SPACE MULTI-FAMILY RESIDENTIAL OVERLAY (OSMFR)

A. General Description

It is the intent of this overlay district to provide for greater flexibility and design freedom in order to encourage a better living environment and the conservation of environmentally sensitive areas. The increased flexibility associated with this overlay district allows for additional height and increased density along with lessened setbacks and buffer strips. In exchange, the multi-family development shall generate a superior design that provides extensive common open space that capitalizes on the inherent physical characteristics of the property and its surrounding area.

B. Application of the District

The Open Space Multi-Family Residential Overlay District may be applied over the Multi-Family Residential District (R-6).

C. Permitted Uses and Structures

1. Apartment buildings.
2. Recreational facilities and open spaces which are developed as an integral part of the development.
3. Elderly and group housing as regulated in Chapter 4.
4. Nursing homes as regulated in Chapter 4.
5. Accessory uses and structures.
6. Customary Home Occupations as regulated in Chapter 4.
7. Signs as regulated in the Municipal Code.
8. Utility uses.

D. General Minimum Development Requirements

1. A site plan, as regulated in the Farragut Zoning Ordinance, shall be submitted to the planning commission for review and approval. All applicable requirements shall be included as part of the development plan submission. The site plan shall be of the entire development and is required whether the project is developed in multiple phases or not.
2. The approved site plan shall be in compliance with the Farragut Comprehensive Land Use Plan, the Pedestrian and Bicycle Plan, and all other adopted plans and ordinances of the Town of Farragut.
3. Common open space.
 - a. Common open space shall be created as an integral part of the overall design. **Within the designated open space**, the development shall conserve, ~~in so far as practical,~~ natural and manmade features on the site, including but not limited to trees, floodplains, sinkholes, wetlands, springs, streams, wet weather conveyances, endangered species habitat, steep slopes, rock formations and other unique topographic features, and historic features.
 - b. **In order to identify the areas to be designated as common open space**, a survey of the natural features shall be completed ~~where appropriate~~. Natural features shall include but are not limited to wetlands, rock formations, trees, sinkholes, streams, topographic features, and endangered species habitats. Development shall comply with the Tree Protection Ordinance.
 - c. Common open space may be improved for certain passive recreation uses, but open space containing natural features worthy of preservation (e.g. wetlands, woodlands, steep slopes, streams, springs, sinkholes, etc.) must be left unimproved and undisturbed. **Areas within approved common open space that are not considered environmentally sensitive, such as historic features, buffer strips, stormwater detention facilities, and approved passive recreational facilities (such as walking or**

hiking trails) may be maintained as approved by the Town staff or the planning commission.

- d. Common open space shall be designated as permanent on the approved site plan and referenced as an exhibit in a covenant that runs with the land and that is recorded at the Register of Deeds.
4. Access ways and parking areas shall be designed to reduce the grading of the site and preserve the natural topography as much as practical. Site design should preserve large, existing trees when possible and reduce the clearing necessary for building sites. The maximum slope created as a result of a proposed development shall not be greater than 2½:1 (run/rise). Terracing may be permitted per the Town Engineer's approval.
5. Developments shall directly access a street having a designated classification of arterial, or a street which is not interior to a subdivision and which directly accesses a street having a designated classification of arterial. The street on which the development accesses must meet the minimum design standards established in the Farragut Subdivision Regulations.
6. Internal access and circulation shall provide for adequate ingress/egress of firefighting equipment, service deliveries, furniture moving vans, and refuse collection vehicles.
7. Internal pedestrian access and circulation shall be provided where deemed appropriate by the planning commission.
8. Parking areas and sidewalks shall be lighted for night use where appropriate. All lighting shall comply with Town of Farragut lighting provisions.
9. A landscape plan for the development shall be submitted as regulated in Chapter 4.

E. Area Regulations

1. Setback Requirements

a. Front Yard:

All buildings (principle and accessory) shall be set back a minimum of thirty-five (35) feet from front property lines. Parking shall be set back a minimum of twenty (20) feet from front property lines. Detention basin structures, subdivision walls, entrance pillars, and certain utility structures shall be set back a minimum of ten (10) feet from front property lines. Electrical substations, utility offices, or any other utility building shall meet the required thirty-five (35) foot front yard setback.

b. Side/Rear Yard:

All principle buildings that are positioned along a side or rear property line that is adjacent to property that is zoned residential or agricultural shall be set back a minimum of thirty-five (35) feet from the nearest side or rear property line(s). Where surface parking is arranged along a side or rear property line and the adjacent property is zoned residential or agricultural, all principle buildings and parking lots shall be set back a minimum of fifty (50) feet from the nearest side or rear property line(s).

Whenever a side or rear property line abuts a non-residential or non-agricultural zone, all principle buildings and parking lots shall be set back a minimum of twenty (20) feet from the nearest side or rear property line(s).

c. Accessory Structures:

Where the adjacent property is zoned residential or agricultural, accessory structures shall be set back from the nearest point of any side or rear property line a minimum of one hundred (100) feet.

Where the adjacent property is zoned non-residential or non-agricultural, accessory structures shall be set back from the nearest point of any side or rear property line a minimum of thirty-five (35) feet.

2. Minimum Distance Between Buildings

There shall be a minimum of twenty (20) feet between all freestanding buildings, as measured from the closest point between two buildings.

3. Density

Maximum overall density shall not exceed twelve (12) units per acre. This density of twelve (12) units per acre is a maximum number only, and is permitted only if all requirements of the Town of Farragut have been met.

4. Land Area

Minimum tract size for such a development shall be five (5) acres.

5. Common Open Space

A minimum of fifty (50) percent of the gross land area of the development shall be preserved as common open space. Such open space is to include environmentally sensitive lands, historic features, buffer strips, stormwater detention facilities, passive recreational facilities (such as walking or hiking trails) and other natural features as may be beneficial to the development and the community.

6. Buffer Strips

a. Front Yard:

A buffer strip is not required in a front yard but the development must provide for a landscape design that, at a minimum, would include plant material distributed within the area twenty (20) feet from the front property line(s). The landscape design shall be approved by the Visual Resources Review Board.

b. Side/Rear Yard:

Whenever a principle building is positioned along a side or rear property line and the adjacent property is zoned residential or agricultural, there shall be a buffer strip a minimum of thirty-five (35) feet in width as provided for in the landscaping requirements of Chapter 4. If the area within this buffer strip is not wooded the area

shall be planted to the requirements of a fifty (50) foot buffer strip as provided for in the landscaping requirements of Chapter 4.

Whenever a surface parking lot is arranged along a side or rear property line and abuts property zoned residential or agricultural, there shall be a buffer strip a minimum of fifty (50) feet in width as provided for in the landscaping requirements of Chapter 4.

- c. Whenever a side or rear property line abuts property that is zoned non-residential or non-agricultural, there shall be a buffer strip a minimum of ten (10) feet in width.
- d. Other than an approved fence or masonry screen wall used for buffering purposes or a utility or pedestrian facility that bisects a buffer strip in a perpendicular manner, no structures are permitted within a required buffer strip.
- e. Existing, mature vegetation shall be preserved and incorporated into the buffer strips.
- f. Detention basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within any buffer strips.

F. Height Regulations

- 1. Whenever the adjacent property is zoned residential or agricultural, no buildings to be constructed within 100 feet of a periphery property line shall exceed three (3) stories, or forty-five (45) feet in height.
- 2. When abutting all other zoning districts or where buildings are greater than 100 feet from a periphery property line, such buildings shall not exceed four (4) stories, or fifty-five (55) feet in height.
- 3. No accessory structures, other than a clubhouse or comparable amenities building, shall exceed fifteen (15) feet in height. A clubhouse or comparable amenities building shall not exceed twenty-five (25) feet in height.

G. Parking

Parking shall be provided as regulated in Chapter 4. All overflow parking shall be centrally located or uniformly distributed throughout the development.

H. Building Façade Requirements

Building façades shall use high-quality, durable, materials that are architecturally compatible and include a significant masonry element. Building façades shall not use fabricated metal panels or vinyl siding and shall include only limited use of synthetic stucco (EIFS) or panelized brick (such materials may be appropriate as accents or on upper floor façades). The use of high-quality, durable, stone veneer may be acceptable when it is detailed to have the appearance of authentic stone. At a building corner, the veneer should wrap around the

corner and should, at a minimum, extend to a depth of traditional stone. The objective is to assure that synthetic products convey an authenticity similar to genuine masonry.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2014, with approval recommended.

Rita Holladay, Chairman

Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director and Ashley Miller, Assistant Community Development Director

SUBJECT: Ordinance 14-13, on second reading, to amend the Farragut Zoning Ordinance, Chapter 4, Section XX.A.2 and 3, Parking and Loading, to change the off-street parking provisions for multi-family uses (Ross Bradley, TDK Construction and PMG, Applicants)

BACKGROUND:

As part of the proposed amendments to the R-6 Zoning District and the proposed Open Space Multi-Family Residential Overlay District (OSMFR), Ordinance 14-13 proposes to amend the parking lot setbacks and parking space allocations which are addressed in Chapter 4 of the zoning ordinance in the Parking and Loading section.

As denoted in Ordinances 14-11 and 14-12, modifications to the multi-family zoning districts provide for language to encourage buildings rather than parking lots around the periphery of the development. Consequently, the setbacks for parking lots will be greater to reflect this comment.

As provided for in Ordinance 14-13, the number of parking spaces required is also being lowered from 2.25 spaces per unit to 1.75 spaces per unit. This would be more in line with what is commonly required in the region for new multi-family projects. This lower parking space ratio also lessens the project's footprint and provides an opportunity for increased green space and open areas.

DISCUSSION:

As part of the overall proposed amendments to the R-6 and creation of the OSMFR, the provisions in Ordinance 14-13 have been discussed at length and in some depth at a number of public hearings.

After some discussion at their most recent meeting on August 21, 2014, the planning commission decided that they were ready for a formal vote on this request. Consequently, the commission voted 8-0 to approve Resolution PC-14-08 which recommends approval of Ordinance 14-13.

The provisions in Ordinance 14-13 advance both the CLUP and the Strategic Plan. Updating parking space allocations and addressing how parking lots are situated on a property help provide for more aesthetically pleasing developments that promote better transitions to adjacent lower density residential developments. Ordinance 14-13 specifically enhances Goal 4, Objectives 5 and 6 of the Strategic Plan, which address consistency with Town plans and standards and providing for more attractive developments.

RECOMMENDATION BY:

The planning commission recommended 8-0 to approve Ordinance 14-13. The staff also recommends approval of Ordinance 14-13.

PROPOSED MOTION:

To approve Ordinance 14-13, on second reading, to amend the Farragut Zoning Ordinance, Chapter 4, Section XX.A.2 and 3, Parking and Loading, to change the off-street parking provisions for multi-family uses.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>PINCHOK</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

CHAPTER 4. GENERAL PROVISIONS AND EXCEPTIONS

XX. PARKING AND LOADING

A. Off-Street Parking Requirements.

2. Location and setbacks.

CURRENT LANGUAGE:

- e. Where parking is to be provided in the rear or side yard of a commercial, office, or multi-family development, the parking lot shall be set back a minimum of ten (10) feet from the side or rear property line.

PROPOSED LANGUAGE:

- e. Where parking is to be provided in the rear or side yard of a commercial or office development, the parking lot shall be set back a minimum of ten (10) feet from the side or rear property line. *(removed multi-family)*
- f. Where parking is to be provided in the rear or side yard of a multi-family development, the parking lot shall be set back a minimum of fifty (50) feet from the side or rear property line, except as provided for elsewhere in this ordinance. *(so that when abutting non-residential or non-agriculture properties, the 20' setback that is provided for in the Open Space Multi-Family Overlay District will apply)*

3. Number of parking spaces required.

CURRENT LANGUAGE:

Residential

Single and two-family dwellings: Two (2) spaces per dwelling unit

Apartments: Two and one-fourth (2¼) spaces per dwelling unit

PROPOSED LANGUAGE:

Residential

Single and two-family dwellings: Two (2) spaces per dwelling unit **(no change)**

Apartments/Multi-Family: One and three-fourth (1¾) spaces per dwelling unit

ORDINANCE:	14-13
PREPARED BY:	Shipley
REQUESTED BY:	TDK Construction and PMG
CERTIFIED BY FMPC:	August 21, 2014
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, BY AMENDING CHAPTER 4., SECTION XX. PARKING AND LOADING, A., 2. AND 3., TO CHANGE THE OFF-STREET PARKING PROVISIONS FOR MULTI-FAMILY USES, AS AUTHORIZED PURSUANT TO SECTION 13-4-201, TENNESSEE CODE ANNOTATED.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended as follows:

SECTION 1.

Chapter 3, Section XX., Parking and Loading, A., 2., e., is amended by deleting it in its entirety and substituting in lieu thereof the following:

- e. Where parking is to be provided in the rear or side yard of a commercial or office development, the parking lot shall be set back a minimum of ten (10) feet from the side or rear property line.

SECTION 2.

Chapter 3, Section XX., Parking and Loading, A., 2., is amended by inserting the following:

- f. Where parking is to be provided in the rear or side yard of a multi-family development, the parking lot shall be set back a minimum of fifty (50) feet from the side or rear property line, except as provided for elsewhere in this ordinance.

SECTION 3.

Chapter 3, Section XX., Parking and Loading, 3., Number of parking spaces required, Residential, is amended by deleting it in its entirety and substituting in lieu thereof the following:

Residential

Single and two-family dwellings: Two (2) spaces per dwelling unit

Apartments/Multi-Family: One and three-fourth (1 ³/₄) spaces per dwelling unit

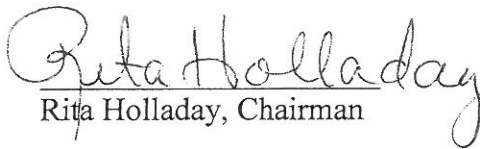
SECTION 4.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2014,
with approval recommended.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Ordinance 14-15, an Ordinance on Second and Final Reading to Amend Ordinance 14-06 Fiscal Year 2015 Budget

INTRODUCTION:

The purpose of this agenda item is to approve Ordinance 14-15, to amend the Fiscal Year 2015 General Fund Budget by allocating additional expenditures for the purpose of paying back mixed drink taxes received since 1999 to the Knox County Schools.

DISCUSSION:

The Board of Mayor and Aldermen on August 28, 2014 authorized the Town Administrator and Town Attorney to make an offer to the Knox County Schools (KCS) for the purpose of settling litigation regarding mixed drink tax revenues that had been received by the Town of Farragut. That agreement would stipulate that the Town would pay KCS \$1,106,829, which represents 50% of the revenues collected from the mixed drink tax from 1999-2013. This amount will be paid out in installments over a three year period, with each installment being \$368,943.

In the FY2015 budget, the Town has already allocated \$100,000 for this payment, making the necessary budget amendment a total of \$268,943. Funding for this additional expense will be transferred from General Fund reserves. We anticipate the formal settlement agreement to be available for the Board of Mayor and Aldermen's consideration on second reading of this ordinance.

RECOMMENDATION BY: Town Recorder Allison Myers for approval.

PROPOSED MOTIONS: Motion to approve Ordinance 14-15 on second and final reading.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>PINCHOK</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE	14-15
PREPARED BY	Myers
1 ST READING	September 25, 2014
2 ND READING	October 9, 2014
PUBLISHED IN	
DATE	

**AN ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE
AMENDING THE FISCAL YEAR 2014-2015 BUDGET, PASSED BY ORDINANCE 14-06**

WHEREAS, the Town of Farragut adopted the fiscal year 2014-15 budget by passage of Ordinance Number 14-06 on June 12, 2014; and

WHEREAS, pursuant to the Tennessee State Constitution, Section 24 of Article II, no public money shall be expended except pursuant to appropriations made by law; and

WHEREAS, expenses for the General Fund and Insurance Fund will be greater than budgeted; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2014-2015 BUDGET AS FOLLOWS:

SECTION 1. Ordinance 14-06 is hereby amended by:

- Increasing the appropriated expenditures in the General Fund by \$268,943. Expenditures for the General Fund will total \$6,729,400.
 - Mixed Drink Tax payment to Knox County Schools

SECTION 2. The Board of Mayor and Aldermen authorizes the Town Recorder to make said changes in the accounting system.

SECTION 3. This ordinance shall take effect after its final passage and publication, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** David Smoak, Town Administrator**SUBJECT:** Approval of Settlement Agreement between the Town of Farragut, the Knox County School System and Knox County Government

INTRODUCTION: The purpose of this agenda item is to approve a settlement agreement between the Town of Farragut, the Knox County School system and Knox County Government regarding mixed drink taxes that were received by the Town of Farragut.

BACKGROUND: The Town of Farragut enacted a mixed drink tax in 1987 and has been receiving revenues directly from the State of Tennessee Comptroller's office since that time. In the fall of 2013, Farragut, along with 41 other cities across Tennessee were notified that half the proceeds from the mixed drink tax were to be distributed to the local school system in the county, which included prior years' receipts. Furthermore, in the spring of 2014, the Tennessee General Assembly approved legislation that would permit cities that owed prior years' mixed drink tax revenues to negotiate with the local school systems on the payment terms and past due amount owed.

DISCUSSION: Prior to June 1, 2014, the Knox County School system and Knox County Government filed a lawsuit against the Town of Farragut requesting back payment of the mixed drink taxes due. Since that time, town officials and school officials have met to discuss possible parameters of a settlement between the parties.

On August 14, 2014 the Board of Mayor and Aldermen authorized the Town Administrator to make a proposal to the Knox County School Board in hopes of settling the lawsuit. The basis of the settlement offer was for the Town to pay back the mixed drink taxes owed from 1999-2013, which equals \$1,106,829, over a three year period, for an annual allocation of \$368,943.

The Knox County School Board accepted the settlement proposal at their meeting in September, as did the Knox County Commission. Approval of the attached settlement agreement would result in the dismissal of the current lawsuit by the Knox County School Board against the Town of Farragut and ensure an orderly three year payment schedule to satisfy the terms of the agreement.

PROPOSED MOTION: To approve the attached Settlement Agreement and Release between Knox County Schools, Knox County Government and the Town of Farragut.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>PINCHOK</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>HONKEN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (hereafter referred to as the "Agreement") is voluntarily entered into between **Knox County Tennessee**, a political subdivision of the State of Tennessee, on behalf of itself, affiliates, successors, and assigns, its current and former directors, officers, agents and employees, in their corporate as well as personal capacities, **Knox County Schools**, a Local Education Agency ("LEA") of the State of Tennessee charged with providing a local school system for the state of Tennessee, on behalf of itself, affiliates, successors, and assigns, its current and former directors, officers, agents and employees, in their corporate as well as personal capacities, and the **Knox County Board of Education**, an elected body existing under Tennessee law for the purpose of administering and operating the LEA public school system in Knox County, on behalf of itself, affiliates, successors, and assigns, its current and former directors, officers, agents and employees, in their corporate as well as personal capacities (hereinafter collectively referred to as "**Plaintiffs**") and the **Town of Farragut, Tennessee**, a municipal corporation existing under the laws of the State of Tennessee and within Knox County, on behalf of itself, its affiliates, successors, and assigns, its current and former directors, officers, agents and employees, in their corporate as well as personal capacities (all hereafter collectively referred to as "**Defendant**" or "**the Town.**") The Plaintiffs and the Town are collectively referred to as the "**Parties.**"

WHEREAS, the Town has collected liquor-by-the-drink or mixed drink tax revenues ("the tax revenue") since 1987; and

WHEREAS, the Town was unaware until recently of its obligation under Tenn. Code Ann. §57-4-301, *et seq.*, to remit fifty percent of the subject taxes to the Knox County School Fund, and Plaintiffs filed a lawsuit demanding such payment bearing Docket No. 187586-1 on the docket of the Knox County Chancery Court (the "Lawsuit"); and

WHEREAS, the Parties agree that it is in their mutual best interests to enter into this Agreement to resolve all matters arising out of or in any way related to the remittance of the liquor-by-the-drink or mixed drink tax revenues; and

WHEREAS, it is understood that this Agreement represents a compromise and settlement between the Parties, and finally and forever resolves any and all claims Plaintiffs brought or could have brought, whether known or unknown, which arise out of or in any way relate to remittance of the liquor-by-the-drink or mixed drink tax revenues prior to 2014.

NOW THEREFORE, in consideration of the premises, covenants, promises and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged, the Parties set out the terms and conditions of this Agreement as follows:

1. **Payment.** Upon execution of this Agreement, entry of the Order attached hereto as **Exhibit 1**, and pursuant to the schedule outlined below, the Town will pay for the benefit of Plaintiffs, one million, one hundred and six thousand, eight hundred and twenty-nine dollars (\$1,106,829.00). The Town will pay this amount in checks made payable to _____ in three (3) equal annual installments of \$368,943.00, payable on October 15, 2014; October 1, 2015; and October 1, 2016. The payment to Plaintiffs hereafter

referred to as the "Total Consideration Payment." The Total Consideration Payment is being made in complete compromise and settlement of any and all claims Plaintiffs asserted or could have asserted, whether known or unknown, arising out of or in any way related to the remittance or failure of remittance of the liquor-by-the-drink or mixed drink tax revenues prior to 2014, as more particularly described in Section 2 of this Agreement. Upon execution and delivery of this Agreement, the attorneys for the Parties shall deliver for entry by the Court an Order in the form of Exhibit 1 dismissing the Lawsuit with prejudice.

2. **Waiver and Release of the Town.** In exchange for the Total Consideration Payment in Section 1 of this Release Agreement, Plaintiffs hereby knowingly, voluntarily and unconditionally release, acquit and forever discharge the Town and its affiliates, successors, or assigns, and any and all current or former directors, members, officers, agents and employees, in their representative and personal capacities (hereinafter collective referred to as the "Releasees"), of and from any and all claims Plaintiffs have, or could have alleged in the Lawsuit, or that any of them may have arising out of the Town's collection of the liquor-by-the-drink or mixed drink tax revenues prior to 2014, whether known or unknown, including any and all claims, liabilities, rights and causes of action it may have against the Releasees, of every kind and nature, whether based on federal or state law, statute, ordinance, regulation, or common law principle. The claims Plaintiffs are releasing include any or all claims or causes of action arising out of or related to the collection of the tax revenue and subsequent failure to remit a portion of same to Plaintiffs pursuant to T.C.A. §§ 57-4-301, *et seq.*, whether known or unknown, suspected, or unsuspected, and any claim for monetary, legal, compensatory, punitive, liquidated or other damages, equitable relief, costs, interest, expenses of any kind, or attorney's fees.

3. **No Reliance.** Plaintiffs acknowledge that they have received a copy of this Agreement; that they have had a reasonable time to review it; that they have read and understand all the terms, conditions and effect thereof; that they have consulted with an attorney prior to executing this Agreement; that they have executed this Agreement knowingly and voluntarily; that they do not rely upon any representations or statements made by the Town, or any of its affiliates, successors, assigns, their current or former directors, agents or attorneys associated with them with regard to the subject matter, basis or effect of this Agreement, other than those made in this Agreement; and that the consideration it is receiving under this Agreement is in addition to anything of value to which they are already entitled.

4. **No Admission of Liability.** Neither this Agreement itself nor any payment, covenant or provision associated with the Agreement is to be construed as an admission of liability, or evidence of liability or guilt on the part of the Town, by whom knowledge and/or malice is expressly denied.

5. **Governing Law and Venue.** This Agreement is made and entered into in the State of Tennessee and shall in all respects be interpreted, enforced and governed under the laws of Tennessee. The language of all parts of this Agreement shall in all cases be construed as a whole, according to fair meaning and not strictly for or against either of the parties. Any action to enforce this Agreement shall be brought in the courts of Knox County, Tennessee.

6. **Severability.** In the event any one or more provisions of this Agreement should be held invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not

affect any other provision hereof, and this Agreement shall be construed by disregarding the invalid, illegal, or unenforceable provision or provisions.

7. **Entire Agreement.** This Agreement contains the entire understanding between the parties hereto and represents full and final resolution of any and all issues related to the tax revenue. This Agreement may not be modified or amended in any manner without a written agreement signed and dated by the Parties who have executed this Agreement.

8. **Binding Effect.** This Agreement shall be binding on the affiliates, successors and legal representatives of the Parties.

9. **Miscellaneous.** This Agreement shall include the following provisions:

(a) This Agreement shall be deemed to have been jointly prepared by the counsel for the parties.

(b) This Agreement may not be modified or amended in any manner without a written agreement signed and dated by all the parties, and such requirement shall not be subject to oral waiver.

IN WITNESS THERETO, the parties have signed this release effective as of the ____ day of _____, 2014.

For Knox County, Tennessee, Knox County
Schools, the LEA of Knox County,
Tennessee and Knox County Board of
Education

Town Of Farragut

Ralph McGill, Mayor

Timothy F. Burchett, County Mayor

Approved as to Form:

Approved as to Form:

County Attorney

Town Attorney

IN THE CHANCERY COURT FOR KNOX COUNTY, TENNESSEE

KNOX COUNTY TENNESSEE, KNOX	)	
COUNTY SCHOOLS an LEA OF THE	)	
STATE OF TENNESSEE and KNOX	)	
COUNTY BOARD OF EDUCATION,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 187586-1
	)	
THE TOWN OF FARRAGUT,	)	
TENNESSEE,	)	
	)	
Defendant.	)	

ORDER OF COMPROMISE AND DISMISSAL

Come the parties and announce to the Court that this matter has been resolved by agreement of the parties, pursuant to which this matter is to be dismissed with full prejudice in bar of the right of Plaintiffs to refile the same. It is accordingly

ORDERED, ADJUDGED AND DECREED that this matter is dismissed with full prejudice and the court's costs are to be taxed equally, one-half to the Plaintiffs in care of Richard B. Armstrong, Jr., 400 Main Street, Suite 612, Knoxville, Tennessee, 37902, and one-half to the Defendant in care of Thomas M. Hale, P.O. Box 629, Knoxville, Tennessee 37901, for which execution may issue if necessary. Each party shall bear its own discretionary costs.

ENTER this _____ day of _____, 2014.

Chancellor John F. Weaver

APPROVED:

Richard B. Armstrong, Jr. (BPR #027072)
Knox County Law Director
400 Main Street, Suite 612
Knoxville, TN 37902
(865) 215-2327
Attorney for Plaintiffs

Thomas M. Hale (BPR No. 007049)
Kramer Rayson LLP
Post Office Box 629
Knoxville, TN 37901-0629
(865) 525-5134
Attorney for Defendant