



**FARRAGUT BOARD OF MAYOR AND ALDERMEN
AGENDA
April 27, 2017**

**GRANT WORKSHOP
5:00 PM**

**BEER BOARD MEETING
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. April 13, 2017
- VI. Business Items**
 - A. Approval of Contract 2017-09, Structure Network Cabling
 - B. Approval of Re-Appointment to the Farragut Arts Council
 - C. Approval of Resolution R-2017-01, Appointment of Town of Farragut Municipal Judge
 - D. Approval of the Resolution R-2017-02, Fiscal Year 2018 Fee Schedule
- VII. Ordinances**
 - A. Public Hearing and Second Reading
 - 1. Ordinance 17-03, Ordinance to amend the text of the Farragut Zoning Ordinance by amending Chapter 3., Specific District Regulations, Section XXVI., Planned Commercial Development District (PCD)., to provide for new requirements
 - 2. Ordinance 17-04, Ordinance to amend the text of the Farragut Zoning Ordinance by amending Chapter 3., Section XI., Multi-Family Residential District (R-6), Subsection G., by providing new requirements

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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.

related to Building Facades, as authorized pursuant to Section 13-4-201, Tennessee Code Annotated.

3. Ordinance 17-05, Ordinance to amend text of the Farragut Zoning Ordinance by amending Chapter 3., Section XXVIII., Open Space Multi-Family Residential Overlay District (OSMRF), Subsection H., by providing for new requirements related to Building Facades, as authorized pursuant to Section 13-4-201, Tennessee Code Annotated.
4. Ordinance 17-06, Ordinance to amend text of the Farragut Zoning Ordinance by amending Chapter 4., General Provisions and Exceptions, Section XXIV., Special Events Permit, Subsection A., 1., E., by providing for new requirements related to sales from trucks, as authorized pursuant to Section 13-4-201, Tennessee Code Annotated.
5. Ordinance 17-08, Ordinance to amend the text of the Farragut Zoning Ordinance by amending Chapter 4., General Provisions and Exceptions, Section III., Antennas and Towers, to provide for new requirements.

VIII. Town Administrator's Report

IX. Town Attorney's Report



FARRAGUT BEER BOARD

April 27, 2017

6:55 PM

I. Approval of Minutes

A. April 13, 2017

II. Beer Permit Request

A. Approval of a Class 1, On-Premise Other Beer Permit for Stefano's Pizza,
11683 Parkside Drive

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FARRAGUT BEER BOARD

April 13, 2017

6:55 PM

Alderman Pinchok, Chairman, called the beer board meeting to order at 6:55 PM. Members present were Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams.

Approval of Minutes

Motion was made to approve the minutes of March 9, 2017. Moved by Alderman Williams, seconded by Alderman Povlin; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Beer Permit Request

Approval of a Class 6, Special Occasion Beer Permit for the Remote Area Medical's Cinco Festival

Motion was made to approve the Class 6, Special Occasion Beer Permit for the Remote Area Medical's Cinco Festival. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Ron Pinchok, Chairman

Allison Myers, Town Recorder

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AGENDA NUMBER 11, A.

MEETING DATE April 27, 2017

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of a Class 1, On-Premise Beer Permit for Stefano's Pizza, 11683 Parkside Drive

DISCUSSION:

The purpose of this agenda item is the approval of a class 1, on-premise beer permit for Stefano's Pizza, 11683 Parkside Drive.

The applications and information are in order.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

To approve a Class 1, On-Premise Beer Permit for Stefano's Pizza, 11683 Parkside Drive, subject to obtaining a certificate of occupancy.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>WILLIAMS</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

RECEIVED

APR 10 2017

TOWN OF FARRAGUT

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:

- Reason for application: New Business ☒ New Ownership ☐ Name Change ☐ Other ☐
- 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

- Name of Applicant(s) (Owner(s) of Business) AUBREY'S INC
D/B/A STEFANO'S PIZZA (FARRAGUT)
- Type of applicant (check one):
Person ☐ Firm ☐ Corporation ☒ Joint-Stock Company ☐ Syndicate ☐ Other ☐
- List all persons, firms, corporations, joint-stock companies, syndicates, or associations having at least a 5% ownership interest in the business:
AUBREY R. BURLESON OWNS 100% OF AUBREY'S INC
- Applicant's present home address:

- Date of Birth _____ Home Telephone Number _____
Business Telephone Number 865-584-7779 Social Security Number _____
- Representative Email Address: arburleson@mindspring.com
- Under what name will the business operate? STEFANO'S PIZZA (FARRAGUT)
- Business address 11683 PARKSIDE DR FARRAGUT TN 37934
Business Telephone number 865-584-7779

11. Specify the identity, email and physical address of the person to receive annual privilege tax notices and any other communication from the Town:

DAVID BELCHER CFO dbelcher@aubreysrestaurants.com
5401 KINGSTON PIKE BLDG 1 STE 280 KNOXVILLE, TN 37919

12. Information of any manager, other than the applicant:

Name: PAUL (PS) HAHN Birth Date: 7/22/1973

Address:

Phone Number: (865) 671-9906

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? Yes If so, specify, where, when, and why:

STEFANO'S PIZZA ON CUMBERLAND AVE AND BISTRO BY THE TRACKS HAD THEIR PERMITS SUSPENDED ONE WEEK FOR SALE TO A MINOR. STEFANO'S WAS OVER 5 YEARS AGO. BISTRO OUPPERED IN 2016.

15. Name and address of property owner, if other than the business owner:

HATCHER-HILL PARKSIDE LLC 311 S. WEISGARBER RD KNOXVILLE TN 37919

16. What is the name and address of the Church (or other place of worship) nearest to your business?

CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS 11320 STATION DR KNOXVILLE, TN 37934

17. What is the name and address of the school nearest to your business?

FARRAGUT PRIMARY 509 N CAMPBELL STATION RD KNOXVILLE TN 37934

18. Special Occasion Event Name: N/A

Location of the special occasion event: N/A

Event Date & Times: N/A

Representative name & phone number: N/A

Have you received a special event permit to hold the event in the Town of Farragut? N/A

19. Tennessee Sales Tax Number: HAS BEEN APPLIED FOR

20. Town of Farragut Business License Number HAS BEEN APPLIED FOR

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.

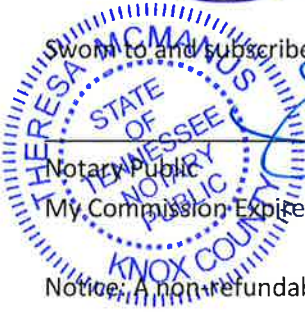
I understand that by submitting this application, a background investigation shall be conducted and any and any and all documents related to my request shall become public records.

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)

I swear to and subscribed before me this 10th day of April, 2017.



Notary Public

My Commission Expires: My Commission Expires November 4, 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



**FARRAGUT BOARD OF MAYOR AND ALDERMEN
MINUTES
April 13, 2017**

**BUDGET WORKSHOP
Capital Investment Program & Equipment Fund
5:30 PM**

**BEER BOARD MEETING
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. March 23, 2017
- VI. Business Items**
 - A. Approval of Re-Appointment to the Museum Advisory Committee
 - B. Approval of a Contract for Removal and Abatement of materials at 11409 Kingston Pike
 - C. Approval of Bids for Contract 2017-05, Resurfacing Contract
 - D. Approval of Agreement with TDOT for development of CMAQ Traffic Signal Improvement project
- VII. Ordinances**
 - A. Public Hearing and Second Reading
 - 1. Ordinance 17-02, an ordinance to amend the Farragut Municipal Code, Title 14, Land Use Controls, Chapter 6., Farragut Architectural Design Standards, Standard 2.17, to provide for new requirements associated with building materials

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B. First Reading

1. Ordinance 17-03, Ordinance to amend the text of the Farragut Zoning Ordinance by amending Chapter 3., Specific District Regulations, Section XXVI., Planned Commercial Development District (PCD)., to provide for new requirements
2. Ordinance 17-04, Ordinance to amend the text of the Farragut Zoning Ordinance by amending Chapter 3., Section XI., Multi-Family Residential District (R-6), Subsection G., by providing new requirements related to Building Facades, as authorized pursuant to Section 13-4-201, Tennessee Code Annotated.
3. Ordinance 17-05, Ordinance to amend text of the Farragut Zoning Ordinance by amending Chapter 3., Section XXVIII., Open Space Multi-Family Residential Overlay District (OSMRF), Subsection H., by providing for new requirements related to Building Facades, as authorized pursuant to Section 13-4-201, Tennessee Code Annotated.
4. Ordinance 17-06, Ordinance to amend text of the Farragut Zoning Ordinance by amending Chapter 4., General Provisions and Exceptions, Section XXIV., Special Events Permit, Subsection A., 1., E., by providing for new requirements related to sales from trucks, as authorized pursuant to Section 13-4-201, Tennessee Code Annotated.
5. Ordinance 17-08, Ordinance to amend the text of the Farragut Zoning Ordinance by amending Chapter 4., General Provisions and Exceptions, Section III., Antennas and Towers, to provide for new requirements.

VIII. Town Administrator's Report

IX. Town Attorney's Report

Mayor McGill called the meeting to order at 7:00 PM. Members present were Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams.

Approval of Agenda

Motion was made to approve the agenda with the deletion of item VI.A. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Mayor's Report

The Farragut Food and Wine Festival is May 5.

Approval of Minutes

Motion was made to approve the minutes of March 23, 2017 as presented. Moved by Alderman Povlin, seconded by Alderman Williams; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Business Items

Approval of a Contract for Removal and Abatement of materials at 11409 Kingston Pike

Motion was made to approve the contract with E. Luke Green in the amount of \$39,500. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Approval of Bids for Contract 2017-05, Resurfacing Contract

Motion was made to award Contract 2017-05 to APAC-Atlantic, Inc. in the amount of \$454,574.70. Moved by Alderman Markli, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Approval of Agreement with TDOT for development of CMAQ Traffic Signal Improvement project

Motion was made to approve the contract with TDOT for development of CMAQ Traffic Signal Improvement project. This is 100% funded by the state. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Ordinances

Public Hearing and Second Reading

Ordinance 17-02, an ordinance to amend the Farragut Municipal Code, Title 14, Land Use Controls, Chapter 6., Farragut Architectural Design Standards, Standard 2.17, to provide for new requirements associated with building materials

Motion was made to approve Ordinance 17-02 on first reading. Moved by Alderman Pinchok, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

First Reading

Ordinance 17-03, Ordinance to amend the text of the Farragut Zoning Ordinance by amending Chapter 3., Specific District Regulations, Section XXVI., Planned Commercial Development District (PCD)., to provide for new requirements

Motion was made to approve Ordinance 17-03 on first reading. Moved by Alderman Povlin, seconded by Alderman Markli. After some discussion Alderman Povlin amended the original motion to add a flexibility component to the guidelines as well as the requirement to consult with a land designer/planner. Moved by Alderman Povlin, seconded by Alderman

Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Ordinance 17-04, Ordinance to amend the text of the Farragut Zoning Ordinance by amending Chapter 3., Section XI., Multi-Family Residential District (R-6), Subsection G., by providing new requirements related to Building Facades, as authorized pursuant to Section 13-4-201, Tennessee Code Annotated.

Motion was made to approve Ordinance 17-04 on first reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Ordinance 17-05, Ordinance to amend text of the Farragut Zoning Ordinance by amending Chapter 3., Section XXVIII., Open Space Multi-Family Residential Overlay District (OSMRF), Subsection H., by providing for new requirements related to Building Facades, as authorized pursuant to Section 13-4-201, Tennessee Code Annotated.

Motion was made to approve Ordinance 17-05 on first reading. Moved by Alderman Povlin, seconded by Alderman Williams; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Ordinance 17-06, Ordinance to amend text of the Farragut Zoning Ordinance by amending Chapter 4., General Provisions and Exceptions, Section XXIV., Special Events Permit, Subsection A., 1., E., by providing for new requirements related to sales from trucks, as authorized pursuant to Section 13-4-201, Tennessee Code Annotated.

Motion was made to approve Ordinance 17-06 with the language "and shall be subject to a fee, as provided for in the adopted Town of Farragut Fee Schedule" on first reading. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Ordinance 17-08, Ordinance to amend the text of the Farragut Zoning Ordinance by amending Chapter 4., General Provisions and Exceptions, Section III., Antennas and Towers, to provide for new requirements.

Motion was made to approve Ordinance 17-08 on first reading. Moved by Alderman Povlin, seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Markli, Pinchok, Povlin and Williams; no nays; motion passed.

Meeting adjourned at 9:05 PM.

Ralph McGill, Mayor

Allison Myers, Town Recorder

AGENDA NUMBER VI.A.

MEETING DATE April 27, 2017

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Joe LaCroix

SUBJECT: Approval of Contract 2017-06, Structured Network Cabling

INTRODUCTION: The purpose of this agenda item is to consider bids and award a contract to install category six cables, restructure physical network and remove outdated cabling from Town Hall.

BACKGROUND: During analysis of the physical network infrastructure at Town Hall, Town staff identified deficiencies in the network cabling architecture. These deficiencies include out of date cabling, cable runs exceeding specifications and slow network performance.

The installation of new cabling will increase speed and reliability which is needed for the increased usage that will be demanded when ERP software is deployed for the migration to SharePoint. The scope of services is attached.

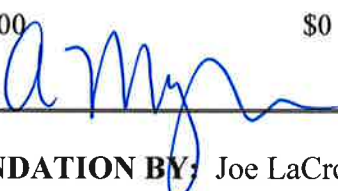
On April 17, we received four bids for Contract 2017-06

Foothills NetCom Inc -	\$41,549.00
M3 Technology Group -	\$29,231.24
Prince Technologies -	\$39,732.11
Pro Systems, Inc -	\$53,271.76

FINANCIAL SECTION: (if needed)

Account Number: 41640-944

<u>Total Budget</u>	<u>Expenditures to Date</u>	<u>Contracted Amount</u>	<u>Remaining Amount</u>
\$55,000	\$0	\$29,231.24	\$25,768.76

Approved By: 

RECOMMENDATION BY: Joe LaCroix

PROPOSED MOTION: Approval of bids and award of Contract 2017-06 to M3 Technology Group for their bid in the amount of \$29,231.24

BOARD ACTION:

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

VOTE/TOTAL

LAMARCHE

MARKLI

PINCHOK

POVLIN

MCGILL

YES

NO

Section B Network Cabling

Specific Needs Narrative

M3 understands that the objective of this RFQ is to select a qualified IT firm regularly engaged in providing network solutions as outlined. M3 understands the Scope of Work for this project includes a complete rewiring of Town Hall with Cat6 cabling to existing office spaces, wireless access devices, wall mounted VoIP phones and other networking devices. This project is to be performed in two phases: Phase I – installation of cabling and rack mounting system to new main distribution frame, one existing intermediate distribution frame and one new intermediate distribution frame. M3 understands and commits to completion of Phase I within 30 days of notification of bid acceptance. Phase II – demolition and removal of all old cable. M3 will complete Phase II within 90 days after completion of Phase I

Phase I Installation:

Horizontal Cabling

- Provide and install plenum Cat 6 cabling for a total of 175 voice and data jack locations as shown on drawing A401 and A402 provided by Town of Farragut.
- All cables will be terminated on the device end in blue Cat6 jack with jack placed in the device called for per location, wall plate for phones at phone only locations, single port surface mount box at WAP locations and four port wall plate at work area outlet locations
- All cables will be terminated on the closet end in rack mounted 48 port cat 6 patch panels
- All cables will be tested and labeled according to industry standards and best practices with test results and labeling plan delivered upon completion
-

MDF Buildout/IDF Buildout

- Provide and install one four post data rack in the new server room.
- Provide and install 1, two post floor mount rack in the new second floor IDF location
- Repurpose the existing two post floor mount rack in the existing first floor IDF location
- Install ladder tray from wall to rack in each data room to route cables into the racks
- Bond/ground all cabinet and ladder rack to facility ground.
- Assist in new network cutover during afterhours to insure limited downtime

Backbone Cabling

- Provide and install 12 strand armored om3 plenum fiber from the MDF (server room) to each of the IDF's mount fiber distribution trays with SC style duplex coupler panels
- Terminate all strands of fiber with SC style pre polished connectors
- All cable will be tested and labeled per industry standards

Phase II: Demolition

M3 will remove the all existing legacy cable that can be accessed per NEC 2014. Removal of existing cable will be performed after new install is complete. M3 will remove the old cable from the site.

Testing, Labeling and Documentation

- M3 Technology Group will label all cables and faceplates per customer specifications using machine generated labels.
- M3 Technology Group will test each cable installed using an industry standard copper and fiber optic tester.
- All test results will be saved by M3 Technology Group and provided to the customer upon completion of the project.

Installation practices/Standards

M3 Technology will ensure that this installation will comply with the following requirements:

- Current edition of NEC(National Electrical Code)
- American National Standards Association (ANSI)/ Electronic Industries Association/Telecommunications Industry Standards (EIA/TIA) 568B for Commercial Building Telecommunications Wiring Standard.
- EIA/TIA-569 Commercial Building Standard for Telecommunications Pathways and Spaces.
- BICSI Standards and Practices – M3 has an RCDD that oversees ITS installations.
- Manufacturer warranty (Panduit/General) will be facilitated by M3 Technologies and provided as a deliverable post completion

Assumptions

- M3 Technology will have free and ready access to all areas necessary for above work to be performed. Any delays in accessing areas will incur additional charges.
- M3 Technology will pull all necessary LOW VOLTAGE permits for work described above.
- All work can be completed without delays from other contractors. Construction delays beyond the control of M3 Technology may incur additional charges

**SECTION C
AFFIDAVIT**

This bid proposal is submitted to the Town of Farragut, TN (the Town) by the undersigned who is an authorized officer of the firm and said firm is licensed to do business in the State of Tennessee. Further, the undersigned is authorized to make these assurances and certifies their validity. The firm recognizes that all assurances and representations herein are binding upon executing a contract and failure to adhere to any of these commitments is considered a breach of contract which may result in a revocation of the agreement and payment for any damages arising from that breach.

Consent is hereby given to the Town to contact any person or organization in order to make inquiries into legal, character, technical, financial, and other qualifications of the firm.

The firm understands that, at such time as the Town decides to review this bid, additional information may be requested. Failure to supply any requested information within a reasonable time may result in the rejection of the firm's bid with no re-submittal rights.

The firm understands that the Town, after considering the legal, financial, technical, and character qualifications of the firm, as well as what in the Town's judgment may best serve the public interest of its citizens and employees, may offer to contract.

The firm understands that this bid is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a bid for the same, and is in all respects fair and without collusion or fraud. It understands that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

Any agreement issued will be on the basis of the firm's service and financial plans and that the firm's arrangements are feasible and adequate to fulfill the conditions set forth in this project.

Company Name: M3 Technology Group, Inc.

Authorized Person:  Signature:
Kelly Burns

(Print/Type)

Title: COO Date: 4/17/2017

Address: HQ's: 925 Airpark Center Drive Nashville, TN 37217

Branch Sales/Service Office: 10613 Braden Dickey Lane Knoxville, TN 37932

Telephone: 877-227-0717 Email: kellyburns@m3techgroup.com

AGENDA NUMBER VI. B.

MEETING DATE April 27, 2017

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Re-Appointment to the Farragut Arts Council

INTRODUCTION: The purpose of this business item is to consider the re-appointment to the Farragut Arts Council. The Charter states that "The term of any member shall expire on the third absence from committee meetings during the fiscal year. Members may seek reappointment by the Board of Mayor and Aldermen."

DISCUSSION: Nancy Wentz is seeking re-appointment due to missing three meetings. Her letter is attached.

RECOMMENDATION BY: Allison Myers, Town Recorder/Treasurer, for approval.

PROPOSED MOTION: To re-appoint Nancy Wentz to the Farragut Arts Council.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>WILLIAMS</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

Farragut Arts Council

April 16, 2017

Dear Lauren,

I am so sorry I missed the last meeting. This makes my third absence, so I am requesting that I be added back onto the Arts Council committee. It has been an enjoyable experience; one which I hope to continue....

Thanks,


Nancy Wentz

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Resolution R-2017-01, Appointment of Town of Farragut Municipal Judge

INTRODUCTION:

In accordance with the Town of Farragut Municipal Code section 3-102 the office of municipal judge shall be filled by a resolution of appointment by the Board of Mayor and Aldermen.

BACKGROUND:

Any person appointed to the office of municipal judge shall hold a baccalaureate degree from an accredited college or university; shall be at least thirty years of age, and have been a resident of the town for a period of one year preceding election to office.

The normal term of office for any officer appointed pursuant of section 3-105 shall be for one year and such officer shall continue to serve thereafter until such officer's successor has been appointed and is sworn in unless otherwise provided.

DISCUSSION:

Keith Alley, current Municipal Judge, has agreed to serve another term.

RECOMMENDATION BY:

Allison Myers, Town Recorder

PROPOSED MOTION:

Motion to approve Resolution R-2017-01, Appointment of the Town of Farragut Municipal Judge.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>WILLIAMS</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



TOWN OF FARRAGUT

RESOLUTION R-2017-01

APPOINTMENT OF MUNICIPAL JUDGE

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, wishes to appoint a Municipal Judge, and

WHEREAS, the level of compensation of the Municipal Judge may be set by the Board of Mayor and Aldermen,

NOW, THEREFORE, BE IT RESOLVED that Keith Alley is hereby appointed effective February 1, 2017 as municipal judge to a term ending January 31, 2018, or thereafter until a successor Municipal Judge has been appointed and been sworn in, and shall be paid compensation of \$100 per session of the Farragut Municipal Court.

This Resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 27th day of April 2017.

Ralph McGill, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of Resolution R-2017-02, FY2018 Fee Schedule

INTRODUCTION:

Each fiscal year the Board of Mayor and Aldermen establish a general fee schedule for necessary fees for all Town services, including but not limited to application, filing, license and permit fees.

DISCUSSION:

Attached is the proposed schedule of fees. Changes to the current fee schedule are highlighted and descriptions of the changes are below:

Community Development

- Food Truck Permit, per Ordinance 17-06
- Plumbing, Gas and Mechanical permits-increase from \$25 to \$35. These fees haven't been adjusted in a number of years. The adjustments are in line with area municipalities.
- Residential and Commercial Mechanical Permits, the permits are currently under one description. Breaking them out to residential and commercial assist builders and contractors calculate their cost.

Parks & Leisure Services

- Athletic Field Rental Fee- The Parks and Athletics Council voted to increase the hourly fee. All other fees will remain the same. The new fee will begin in the Spring/Summer of the 2018 season.
- Concession Fee-Per Vendor, this is currently in the policy but never added to the schedule

RECOMMENDATION BY: Town Recorder/Treasurer Allison Myers for approval

PROPOSED MOTION: To approve Resolution R-2017-02, FY2018 Fee Schedule

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>WILLIAMS</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



TOWN OF FARRAGUT

RESOLUTION R-2017-02

WHEREAS, the Board of Mayor and Aldermen desires to establish a general fee schedule for Fiscal Year 2018, setting the necessary fees for all Town services and collection of Town accounts and expenditures, including but not limited to application, filing, license and permit fees; and

WHEREAS, it is the desire of the Board of Mayor and Aldermen to consolidate all fees and adopt them by resolution;

NOW, THEREFORE BE IT RESOLVED by the Town of Farragut Board of Mayor and Aldermen, that all fees are hereby adopted as listed on the attached schedule.

This Resolution is duly adopted by the Board of Mayor and Aldermen of the Town of Farragut on this 27th day of April 2017.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

<u>FY2018 Fee Schedule</u>		
		<u>Approved Fee</u>
<u>Administration</u>		
Beer Permit		\$250
Beer Permit Privilege Tax		\$100
Retail Liquor Store Application		\$300
Liquor Privilege Tax		
	Private Club	\$300
	Hotel & Motel	\$1,000
	<u>Restaurants, according to seating</u>	
	75-125 seats	\$600
	126-175 seats	\$750
	176-225 seats	\$800
	226-275 seats	\$900
	276 seats & over	\$1,000
Wine Only Privilege Tax		\$120
Solicitation Permit		\$15
Records Request/Copies	Black & White 8 1/2 X 11	\$0.15
(see Section 1-307 of Farragut Municipal Code)	Color 8 1/2 X 11 or 8 1/2 X 14	\$0.50
	Color 36 X 24	\$5
	Larger copies	Cost of production
	Labor to fill request	Charges based on employee hourly rate and time to fulfill request
<u>Engineering</u>		
Drainage Fee		
	Commercial/Office Development	\$0.02 per square foot of impervious surface
	Residential Development	\$30 per subdivision lot

<u>Community Development</u>		<u>Approved Fee</u>
	Illegal Parking (in fire lanes)	\$25
	Special Events Permit	\$25
	Temporary Sign	\$25
	Food Truck	\$20
	Zoning Letter	\$25
	Trailblazer Signs	\$250
	Licensing Fee	\$100
	Grand Opening security deposit	\$300
	Grand Opening Permit	\$25
	Celebratory Events Permit	\$25
Building Permits	The permit fees are per the "Building Valuation Data", which is provided by the International Code Council and the total valuation as follows:	
	Total Valuation:	
	\$1,000 and less	No fee, unless inspection required, in which case a \$25 fee for each inspection shall be charged
	\$1,001 to \$50,000	\$25.00 for the first \$1,000, plus \$6.50 for each additional thousand or fraction thereof, to and including \$50,000.
	\$50,001 to \$100,000	\$340 for the first \$50,000, plus \$5.25 for each additional thousand or fraction thereof, to and including \$100,000.
	\$100,001 to \$500,000	\$600 for the first \$100,000, plus \$4.00 for each additional thousand or fraction thereof, to and including \$500,000.
	\$500,001 and up	\$2,260 for the first \$500,000, plus \$2.60 for each additional thousand or fraction thereof.

<u>Community Dev Continued</u>		<u>Approved Fee</u>
Plumbing Permit		\$35, plus \$5.00 for each fixture
Gas Permit		\$35 for first tap, plus \$5.00 for each additional tap
Mechanical Permit-Commercial		\$35 for first \$1,000, per total value of installation, plus \$5.00 for each additional thousand or fraction thereof.
	Boilers (any occupancy)	\$10.00 plus
	33,000 Btu (1BHp) to 165,000 (5BHp)	\$5.00
	165,001 Btu (5BHp) to 333,000 (BHp)	\$10.00
	333,001 (10BHp) to 1,165,000 (52BHp)	\$15.00
	1,165,001 (52BHp) to 3,300,000 (98BHp)	\$25.00
	over 3,300,000	\$35.00
Mechanical Permit-Residential		\$35, plus \$35 per unit
Swimming Pool Permit		
	Public Pool	Per total value of construction as per building permit
	Private pool (one & two family)	Per total value of construction
	Pool fillings system, including backflow prevention	\$1.50 ea
	Gas piping system (separate gas permit)	See Gas Permit
	Backwash receptor	\$1.50 ea
Demolition Permit (for demolition of any building or structure)		
	0-100,000 cu. Ft.	\$100
	100,001 cu. Ft. and over	\$1.00/1,000 cu. Ft.
Moving Permit (for moving any building or structure)		\$100, plus any applicable bonds
Re-Inspection Fee		\$50 for 1st re-inspection and \$100 for 2nd re-inspection and \$200 for re-inspections of the same failure beyond the 2nd re-inspection.

Plan Review Fee		Fee is one half of the calculated Building Permit Fee, which is to be paid at the time of plan submittal. One and two family dwellings are exempt. This fee includes an initial submittal and one correction submittal. All additional submittals will require a \$250 re-submittal fee.
Re-submittal Plans Review Fee		Re-submittal fees are a minimum of \$250 or one half of the calculated building permit fee based on the difference between the original building value and the revised building value, whichever is greater.
Fire Prevention Fee		
	Fire Sprinkler System Permit	\$0.02 per sq. ft. or \$100 (whichever is greater)
	Fire Alarm System Permit	\$0.02 per sq. ft. or \$100 (whichever is greater)
	All other permits	\$50.00
Subdivision Fees		
	Concept Plan	\$100
	Preliminary Plat	\$100 plus \$25/lot
	Final Plat	\$100 plus \$25/lot
Site Plan Fees		\$100
Landscape Plan Fees		\$50
Zoning Ordinance & Subdivision Regulations Text Amendment Fees	Amend written text	\$250
Zoning Map Amendment Fees	Amend map	\$300
Comprehensive Land Use Plan Amendment	Amend text or map	\$300
Municipal Code Text Amendment Fee		\$250
Sign Fees	Application to erect a sign.	\$100
	Replacement or installation of a sign erected prior to obtaining approval by the Town	\$200
Home Occupation Fee		\$50
Administrative Relief, Variance, and Special Exception		\$100
Everett Road Corridor Fee		Ordinance 14-19

<u>Parks & Leisure Services</u>		<u>Approved Fee</u>
<u>Facility</u>		
Community Room/Board Room Rental		\$20 per hour; \$30 with kitchen
Picnic/Pavilions Rental	Essex (AP); Burnside (CSP)	\$25 half day/ \$40 full day
	Hartford & Saratoga (AP); Longstreet (CSP)	\$45 half day/\$80 full day
	McFee Small	\$60 half day/\$100 full day
	McFee Large	\$70 half day/\$120 full day
Athletic	Fields (Diamond & Rectangular)	\$20 per hour
	Fields (Artificial Turf)	\$40 per hour
	Softball Fees	\$325 per team
	Competitive, Recreational & Intermediate Volleyball Fees	\$165 per team
	Open Volleyball Fees	\$150 per team
Field Closed Non Compliant Fee		\$100 per event
For-Profit/Park Usage Fee	Professional Photographers, For profit classes, Trainers, Etc.	\$25 per hour
Tournament Usage Fee	Grass Field/Volleyball Complex	\$85 half day/\$150 full day
	Synthetic Turf Field	\$170 half day/\$300 full day
Concession Fee	Per Vendor/All Weekend	\$40
Special Event Park Use Fee - Founders Park Only		\$200 per 4 hours; \$50 per hour for each additional hour

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 17-03, an ordinance to amend the Farragut Zoning Ordinance, Chapter 3, Specific District Regulations, Section XXVI. Planned Commercial Development District (PCD), to provide for residential uses and update other provisions (Kingston Pike Properties, LLC, Applicant)

INTRODUCTION AND BACKGROUND: This item was discussed at the previous two Planning Commission meetings. The applicant is interested in developing a mixed use planned development in the S. Watt Road/Kingston Pike area. As envisioned, the project would include a big box building, a smaller freestanding commercial/office building, mixed use buildings with residential on the non-ground floors, and freestanding multi-family buildings on the periphery of the development.

Since it would be a multiple phase master planned development, the Planned Commercial Development District (PCD) was seen as the most applicable to the request. The PCD was created in April of 2006 in conjunction with the Kroger Marketplace development and the construction of Brooklawn Street. The area associated with the Kroger Marketplace and Shops at Brooklawn are the only areas in the Town that are currently zoned PCD.

The PCD was created primarily to provide for variety and flexibility in design for larger multiple building developments that were part of a master planned project. At the time the PCD was adopted it was envisioned for commercial and office uses and did not include a residential component. However, in order to have the mixed use and residential component desired by the applicant, the applicant petitioned for a text amendment to the PCD to include residential as a permitted use.

DISCUSSION: When the applicant's amendment request was discussed with the Planning Commission in February the Commissioners and the staff viewed this as a favorable change to the PCD. This would help implement certain aspects of the Comprehensive Land Use Plan and would provide for an opportunity to have varied land use components within the same development that could support each other and help maintain a more timeless character.

RECOMMENDATION: As part of the requested update to the PCD, the staff also included updates that reflect some recent amendments that have been made to different sections of the zoning ordinance. These amendments mainly relate to implementing certain aspects of the Architectural Design Standards and include site elements that would fit in well with a planned development.

Specifically, the amendments to the PCD proposed in Ordinance 17-03 include the following:

- 1) Providing for residential as a permitted use;
- 2) Providing additional language concerning open space and how to use open space to provide focal points to be actively used within the development;
- 3) Providing for the use of Low Impact Development (LID) practices in the design;
- 4) Providing for a requirement to ensure vehicular and pedestrian connectivity;
- 5) Updating the front setbacks to allow for the opportunity to have buildings closer to the street;

- 6) Specifying that automobile oriented uses, if part of the planned development, be contained in the interior of the development;
- 7) Providing for screening of parking lots that are situated in a front yard;
- 8) Replacing the buffer strip language with transition language so that the project can better protect adjacent properties while integrating them into their project rather than isolating them from their project; and
- 9) Adjusting the permitted height to reflect changes that were made to the multi-family residential zoning district that would provide for appropriate height transitions to adjacent residential properties.

At their meeting on March 16, the Planning Commission unanimously recommended approval of Ordinance 17-03. An item that subsequently came up during the April 4 Staff/Developer meeting with the applicant (related to the PCD rezoning request that will be going to the Planning Commission in April for a workshop discussion) was whether the height provisions in Ordinance 17-03 could be modified to provide for more flexibility in terms of the number of stories permitted in relation to setbacks from property lines. The discussion involved maintaining a height limitation but permitting an applicant to exceed a prescribed height where they could clearly demonstrate that the additional height would provide for a greater opportunity to satisfy the objectives of the PCD District.

At the Board of Mayor and Alderman meeting on April 13 the question regarding building height was discussed. The Board also discussed whether a master concept plan should be prepared by a team of professionals, similar to what is required for concept plans in the Subdivision Regulations, so that the objectives of the PCD could be better realized. The staff has included in a revised Ordinance 17-03 some proposed language (in red) that addresses these two topics that were discussed on first reading.

PROPOSED MOTION: To approve the revised Ordinance 17-03 on second reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	17-03
PREPARED BY:	Shipley
REQUESTED BY:	Kingston Pike Properties, LLC, Applicant
CERTIFIED BY FMPC:	
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 3., SPECIFIC DISTRICT REGULATIONS, SECTION XXVI., PLANNED COMMERCIAL DEVELOPMENT DISTRICT (PCD)., TO PROVIDE FOR NEW REQUIREMENTS

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 3, Specific District Regulations, of the Farragut Zoning Ordinance, Ordinance 86-16,

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

SECTION 1.

The Farragut Zoning Ordinance, Chapter 3, Specific District Regulations, Section XXVI. Planned Commercial Development District (PCD), is amended by deleting in its entirety and substituting in lieu thereof the following:

XXVI. - Planned commercial development district (PCD).

- A. General description. The planned commercial development district (PCD) is established to encourage creative and resourceful projects for interrelated commercial, office, and residential uses unified by a Development Plan. The PCD district is intended to provide for variety and flexibility in design necessary to implement integrated planned development projects. It is intended that the PCD district be established along streets having a designated classification of arterial on the Farragut Major Road Plan or a street which directly accesses a street having a designated classification of arterial on the Farragut Major Road Plan.
- B. Objectives. The Planned Commercial Development District (PCD) shall have the following characteristics:
 - 1. Open space. Encourage ingenuity, creativity, and resourcefulness in land planning techniques by developing functional common open spaces. Locate and orient outdoor open spaces (e.g. plazas, courtyards, patios, outdoor seating and benches, small park

spaces or landscaped features) to provide focal points to be actively used. Provide landscape enhancements (e.g. bioswales, rain gardens, planters, flower gardens) to add visual interest, screen parking areas, and complement outdoor open spaces.

2. Sense of place. Allow the design of commercial, office, and residential developments that are architecturally and environmentally innovative and that achieve more efficient use of land than is possible through the application of conventional zoning and subdivision standards.
3. Protection of natural resources. Ensure the conservation of the natural environment including trees, floodplains, sinkholes, wetlands, springs, streams, wet weather conveyances, endangered species habitat, steep slopes, rock formations, other unique topographic features, and historic features per federal, state, and the Town of Farragut's laws and/or ordinances. Protect geological resources such as groundwater, soils, and drainage areas.
4. Efficient and innovative land use practices. Encourage efficient and innovative use of land, street networks, utility locations, and parking. In terms of stormwater management for new developments, at least twenty-five (25) percent of the development's total area shall be designed so that its runoff will be accommodated through Low Impact Development (LID) measures which would rely on infiltration, evapotranspiration, or capture/reuse of stormwater runoff. Such measures may include, but are not limited to, permeable pavers, rain gardens, bioswales, vegetated roofs, rainwater capture systems and/or a combination thereof. The use of LID measures to meet this requirement shall be demonstrated on the drainage plan and in the drainage calculations for the development and the applicable LID measures specified as part of the site and landscape plan submittals.
5. Connectivity. Provide for context appropriate (i.e. appropriate in relation to the proposed development and its physical surroundings) pedestrian and vehicular connectivity. This shall include providing connections within the property and to abutting properties, pedestrian connections into the development from the public street(s), and the construction of pedestrian facilities along the public street(s) frontages.
6. Compatibility and consistency. Maintain compatibility with nearby development and consistency with the Farragut Comprehensive Land Use Plan Update, Pedestrian and Bicycle Plan, Architectural Design Standards, and all other adopted plans and ordinances of the Town of Farragut and any subsequent amendments.

C. Minimum standards.

1. Land uses.
 - a. Unless otherwise prohibited through the approved Development Plan, any use permitted within the general commercial and office districts shall be allowed within the PCD district. Residential and mixed use may also be permitted as part of the Development Plan. Where a property is zoned PCD and is shown to be within the area identified as Mixed Use Town Center (MUTC) on the Future Land Use Map the use shall be permitted and comply as established in Chapter 3, Section XII.F.;

- b. Uses within a PCD that are automobile oriented, such as fuel centers, drive-throughs, automobile services, retail rental and leasing of automobiles, etc., shall be arranged so that they are situated internal to the development;
 - c. The total land area of the PCD shall be designed as a planned development and, for the purposes of building and parking lot setbacks and landscaping requirements, shall be treated as a single parcel/lot;
 - d. The development shall be designed in a manner that ensures compatibility with adjacent land uses; and
 - e. Traffic circulation shall not route traffic through adjacent residential areas.
2. General conditions. By acceptance of approval of the PCD zoning, the applicant agrees to the conditions set forth in this section as part of such approval. As part of the approval of the PCD district, the town may require the following:
- a. Rearrangement of structures, open space, driveways, and parking areas;
 - b. Modification of density, setbacks, and buffering; and
 - c. Limitation of specific commercial uses.
3. Area regulations.
- a. Front yard.
 - 1) Unless provided for elsewhere in this ordinance or the Municipal Code, all structures shall be setback from the nearest point of any right-of-way a minimum of twenty (20) feet;
 - 2) If the street is classified as a local street on the Major Road Plan and is constructed as part of the approved Development Plan, all buildings shall be setback from the nearest point of any right-of-way a minimum of ten (10) feet.
 - 3) Driveway aisles, accessways, parking lots, and other vehicular ways shall be setback a minimum of twenty (20) feet from all public right-of-ways and a perimeter parkway shall be maintained.
 - 4) In order to minimize the visual impact of surface parking, where parking is situated between a building and a street or is parallel with a building along a street, a berm shall be constructed or landscaping shall be planted so as to limit the viewability of the parking lot from the street. A minimum of sixty (60) percent of the total parking lot length adjacent to the front property line shall be screened from view with a berm or landscaping.
 - b. Peripheral side and rear property lines. All buildings shall be set back a minimum of thirty-five (35) feet from all peripheral side and rear property lines, except as provided for elsewhere in this ordinance or the Municipal Code. Any required buffer strip shall be included in the required peripheral structure setback.
 - c. Transition areas.
 - 1) Unless specified otherwise in this ordinance, where an abutting property is zoned residential and/or agriculture, a transition area of at least fifty (50) feet in width shall be provided. The intent of a transition area is to provide for a visually

appealing interface to an abutting residential area that will serve to establish protection for but also context appropriate integration with the surrounding plan of development. Transition areas shall accommodate the connectivity requirements of this district. This will result in some modest breaks in the transition element. As provided for in this district, transition areas shall include, at a minimum, any one of the following or a combination thereof:

- a) An existing tree covered area that consumes largely the full depth of the transition area and where the existing tree count within such area clearly exceeds the plant unit count and minimum tree sizes for a thirty-five (35) foot buffer strip per 100 linear feet;
- b) A landscaped low impact development stormwater management area, such as a rain garden(s), bioswale(s), or naturalized areas with existing and/or new tree plantings that, in total, consume the full depth of the transition area. At a minimum, such an area shall include a plant unit count that equals the count required for a thirty-five (35) foot buffer strip, as provided for in Chapter 4 of this ordinance. Under this option, the arrangement of plant material may include more flexibility than an traditional buffer strip planting, provided this arrangement best promotes the intended stormwater function of the low impact development measure(s);
- c) A heavily landscaped pocket park area designed for passive use and that is approved as part of a site and landscape plan as an equivalent to other natural transition measures provided for in this subsection. Such area could serve as a shared amenity between a use in this district and an abutting residential neighborhood;
- d) A traditional planted buffer strip area that complies with the thirty-five (35) foot buffer strip plantings provided for in Chapter 4 of this ordinance;

Where a development combines different transition elements these shall be considered as part of the concept plan and then reflected on the site and landscape plans. Such an approach must clearly fulfill the intent of the transition area provision. Existing tree covered areas within transitions shall be protected. Exceptions would apply for the removal of invasive exotic plant material and context appropriate (i.e. appropriate in relation to the proposed development and its physical surroundings) pedestrian and/or vehicular connections and utilities adjacent to such improvements that bisect the transition area in a generally perpendicular manner.

Transition areas shall not be required for developments that abut properties that are not zoned residential and/or agriculture.

- d. Maximum lot coverage. Total lot coverage for the entire development—seventy (70) percent.
- e. Land area. Minimum development size of five (5) acres.

- f. Minimum common open space. A minimum of ten (10) percent of the gross land area of the development shall be reserved as common open space.
 4. Common open space ownership regulations. Provision for the permanent ownership, operation, and maintenance of the common open space shall be provided by covenant, deed restriction, and/or easement. Ownership shall be a property owners association, land trust, or other legal authority.
 5. Height regulations.
 - a. ~~In order to provide for an appropriate transition in terms of building scale and height within the PCD development, whenever the adjacent property is zoned residential or agricultural, no buildings to be constructed within one hundred (100) feet of a periphery property line shall exceed the maximum height permitted for principal dwelling units in the adjacent zoning district(s)~~ buildings proposed within one-hundred (100) feet of a periphery property line shall generally not 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 one hundred (100) feet from a periphery property line such buildings shall not exceed three (3) stories, or forty-five (45) feet in height, except as provided for elsewhere in this ordinance of the Municipal Code; and
 - b. No accessory structure, other than a clubhouse or comparable amenities building, shall exceed fifteen (15) feet in height, except as provided for elsewhere in this ordinance or the Municipal Code. A clubhouse or comparable amenities building shall not exceed twenty-five (25) feet in height.
6. Street frontage. All lots created as part of the development shall have a minimum of twenty-five (25) feet street frontage. Access to individual properties and establishments shall be restricted to shared access easements.
7. Parking. Parking requirements as defined in Chapter 4 shall serve as a guide only. All parking areas shall be shared parking easements for the total PCD development.
8. Landscaping. As regulated in Chapter 4. Requirements shall apply to the total PCD development.
9. Outdoor site lighting. As regulated in Chapter 4.
10. Signs. As regulated in the Farragut Municipal Code. Requirements shall apply to the total PCD development.
11. Development controls. As regulated in this ordinance, the Farragut Municipal Code, and the Farragut Subdivision Regulations.
- D. Application for rezoning to Planned Commercial Development District (PCD). The application for rezoning to PCD shall include a Development Plan, which shall consist of three (3) primary components:
1. A survey of the total land area for consideration of rezoning.
 2. A written narrative statement describing the planned development shall include the following information:

- a. A general statement of objectives to be achieved by the Planned Commercial Development District. This statement shall indicate the responsible person/entity for the development, indicate a description of the character of the proposed development, the market for which the development is oriented, and how the PCD district would be consistent with the Farragut Comprehensive Land Use Plan Update, Pedestrian and Bicycle Plan, and all other adopted plans and ordinances of the Town of Farragut and any subsequent amendments;
 - b. A statement describing the project phasing, including:
 - 1) A development schedule indicating the phases in which the project will be built and the dates when construction of each phase can be expected to begin;
 - 2) A statement of the intended schedule for the selling or leasing of each phase of the project; and
 - 3) A description of how each phase shall be self-contained and self-sustaining with regard to access, traffic circulation, parking, utilities, common open spaces, and landscaping, as well as capable of substantial occupancy, operation, and maintenance upon completion of construction and development of each phase.
 - c. A schedule by which the developer will complete all open space and landscaping features;
 - d. Quantitative data for site development standards including, but not limited to density, setbacks, maximum heights, proposed lot coverage of buildings, parking lots and other structures, parcel sizes, gross densities per acre, and total amount of common open space;
 - e. An explanation and construction schedule for the utility and infrastructure requirements of the Planned Commercial Development, including all utilities serving the site, surface water runoff, and other pertinent information;
 - f. A statement pertaining to any architectural and community design guidelines to provide information on building designs, orientations, styles, lighting plans, landscape plans, signs, etc.; and
 - g. Specific provisions, including appropriate legal forms, to assure the permanent ownership, operation, and maintenance of common open space, parking lots, accessways, etc. This can be achieved through covenant, deed restriction, easement, or ownership by a property owners association, land trust, or other legal authority.
3. Concept master plan. The concept master plan shall demonstrate compliance with the objectives of this district and shall be prepared by a professional team that includes a Tennessee licensed engineer, a Tennessee registered land surveyor, a Tennessee licensed landscape architect, and/or a physical planner with a comparable background and experience. At a minimum, the plan shall require the seal of at least one (1) of the above listed professionals. The concept master plan shall be of sufficient clarity and scale to accurately identify the location, nature, and character of the proposed total development. At a minimum, the concept master plan shall include the following information:
- a. Site location map;
 - b. GIS topography of the site;

- c. The approximate density, predominant species, general distribution of predominant species, and predominant level of maturity of trees within all tree covered area. Maturity levels shall be classified per the Tree Protection Ordinance;
- d. All environmentally sensitive areas including but not limited to floodplains, sinkholes, wetlands, springs, streams, wet weather conveyances, endangered species habitat, steep slopes, rock formations, other unique topographic features, and historic features;
- e. Sufficient information on the existing development within one hundred fifty (150) feet from the boundaries of the subject property to indicate their relationships with the proposed development related to land uses, lot lines, open space corridors, vehicular and pedestrian circulation systems, environmentally sensitive areas, and other unique natural features of the landscape;
- f. General location of proposed buildings, including building uses;
- g. Boundaries of the total development, including all proposed interior property lines and boundaries for the proposed development phases;
- h. Location of existing and proposed public streets and access easements;
- i. Existing and proposed general vehicular circulation system including all points of access to the proposed development and existing driveways and intersections within the vicinity of the proposed points of access;
- j. Location of proposed off-street parking and loading facilities;
- k. Location of proposed internal and external alignments of existing and proposed sidewalks, bicycle and pedestrian facilities, and greenways/walking trails;
- l. Location of existing utilities;
- m. Proposed treatment of surface water runoff flow from and through the site;
- n. Specific locations and sizes of all areas to be reserved as common open space;
- o. Proposed landscaping plan;
- p. Proposed signage plan;
- q. Calculations of lot coverage for the total development; and
- r. Certification that all requirements of the Tree Protection, Sinkhole, Aquatic Buffer, and the Stormwater Ordinances can be met.

E. Future modifications.

- 1. Revisions of plans after final approval.
 - a. If it becomes necessary for an approved concept plan or site plan to be changed, then the changes shall be defined as "minor" or "major" by the Town staff. If a proposed change, in the opinion of the Town staff will not substantially affect the terms of the original approval, then the change will be defined as "minor". Minor changes may be reviewed and approved by Town staff. If a proposed change, in the opinion of the Town staff, will substantially affect the terms of the original approval, then the change shall be defined as "major". Major changes require review and approval by the Planning Commission and the Board of Mayor and Aldermen. In both cases, full

sets of revised site plans in accordance with the Town site plan submittal requirements along with a narrative describing the need for the changes shall be submitted.

- 1) **Minor Changes Defined.** Minor modifications are changes that do not substantially affect the character or intensity of the development, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Town staff shall report any request defined as minor to the Planning Commission and Board of Mayor and Alderman. Examples of minor modifications include but are not limited to the following:
 - a) Adding or deleting parking spaces.
 - b) Constructing additional stories that do not substantially affect other ordinance requirements of the development.
 - c) An increase or decrease in floor space by no more than twenty-five (25) percent in the overall development that does not dramatically affect the other ordinance requirements, intent, and nature of the overall development.
 - d) Re-occupancy of a building by a similar use permitted by the ordinance.
 - e) Changes to building height/facade that do not add an additional floor.
 - f) Additions or alterations to the landscape plan or landscape materials.
 - g) Relocation or resizing of utility supply lines or service connections.
 - h) Relocation or screening of utilities, HVAC equipment, transformers, or trash receptacles.
 - i) Alterations to the internal parking layout of an off-street lot in which the total available spaces is unchanged.
 - 2) **Major Modifications Defined.** Major modifications are changes that substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards or natural terrain features. Examples of major modifications include but are not limited to the following:
 - a) Request for a variance.
 - b) Construction of a new building or structure which will substantially affect the ordinance requirements of the development.
 - c) Increase in the overall density of the development.
 - d) Introduction or deletion of curb cuts into a public roadway.
2. Additional area may be added to an established Planned Commercial Development District if it adjoins and forms a logical addition to the approved development.
- a. The procedure for the addition of land to the PCD district shall be the same as if an original application was filed.
 - b. All requirements of the PCD district shall apply except for minimum lot area requirement.

- F. Annual review. To ensure continued progress toward completion, the approved Development Plan shall be submitted to the Planning Commission for annual review.

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 _____, 2017,
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

SUBJECT: Ordinance 17-04, an ordinance to amend the Farragut Zoning Ordinance, Chapter 3., Section XI., Multi-family Residential District (R-6), Subsection G., Building Façade Requirements, to reference the adopted Farragut Architectural Design Standards

INTRODUCTION AND BACKGROUND: While reviewing the updates proposed for the PCD District, the staff noted that the Building Façade Requirements language associated with the Multi-family Residential District (R-6) and the Open Space Multi-family Residential Overlay District (OSMFR) needed to be updated as well. When these zoning districts were created in 2014, the Architectural Design Standards had not been adopted and were in the process of being formulated. In the interim, the staff asked our consultant at that time to provide us with some language that we could include for these districts as it would relate to building facades for multi-family buildings. Otherwise, we would have had no provisions in place to address this until the ADS was adopted.

This language was incorporated as separate sections in each district and was worded as follows:

- 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.

Since the ADS was finalized and adopted in the spring of 2015, more objective standards are now in place. Ordinance 17-04 would simply replace the language that was provided prior to the adoption of the ADS with the following that references the adopted ADS:

- G. *Building Façade Requirements.* Building façade requirements shall be in accordance with the Farragut Architectural Design Standards, as amended.

In this manner, there is consistency in the application of building façade provisions and no confusion as to which language should be followed.

RECOMMENDATION: At their meeting on March 16, the Planning Commission unanimously recommended approval of Ordinance 17-04. At the Board of Mayor and Aldermen meeting on April 13, Ordinance 17-04 was approved on first reading.

PROPOSED MOTION: To approve Ordinance 17-04 on second reading.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	17-04
PREPARED BY:	Shipley
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	March 16, 2017
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), SUBSECTION G., BY PROVIDING FOR NEW REQUIREMENTS RELATED TO BUILDING FACADES, 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), Subsection G., is amended by deleting it in its entirety and substituting in lieu thereof the following:

- G. Building Façade Requirements. Building façade requirements shall be in accordance with the Farragut Architectural Design Standards, as amended.

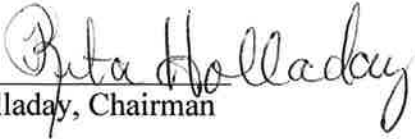
SECTION 2.

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 _____, 2017,
with approval recommended.



Rita Holladay, Chairman



Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

RESOLUTION PC-17-04

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 3., SECTION XI., MULTI-FAMILY RESIDENTIAL DISTRICT (R-6), SUBSECTION G., BY PROVIDING FOR NEW REQUIREMENTS RELATED TO BUILDING FACADES

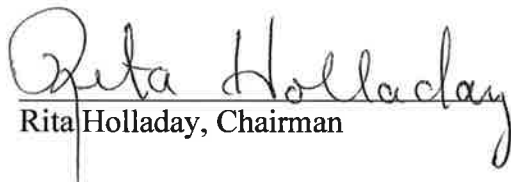
WHEREAS, the Tennessee Code Annotated, Section 13-4-201 et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on March 16, 2017;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of an ordinance, amending Ordinance 86-16, of the Farragut Zoning Ordinance, by adding Ordinance 17-04.

ADOPTED this 16th day of March, 2017.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 17-05, an ordinance to amend the Farragut Zoning Ordinance, Chapter 3., Section XXVIII., Open Space Multi-family Residential Overlay District (OSMFR), Subsection H., Building Façade Requirements, to reference the adopted Farragut Architectural Design Standards

INTRODUCTION AND BACKGROUND: Please refer to the report for the previous item as it involves the same issue.

RECOMMENDATION: At their meeting on March 16, the Planning Commission unanimously recommended approval of Ordinance 17-05. At the Board of Mayor and Aldermen meeting on April 13, Ordinance 17-05 was approved on first reading.

PROPOSED MOTION: To approve Ordinance 17-05 on second reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	17-05
PREPARED BY:	Shipley
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	March 16, 2017
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 XXVIII., OPEN SPACE MULTI-FAMILY RESIDENTIAL OVERLAY DISTRICT (OSMFR), SUBSECTION H., BY PROVIDING FOR NEW REQUIREMENTS RELATED TO BUILDING FACADES, 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 XXVIII., Open Space Multi-Family Residential Overlay District (OSMFR), Subsection H., is amended by deleting it in its entirety and substituting in lieu thereof the following:

H. Building Façade Requirements. Building façade requirements shall be in accordance with the Farragut Architectural Design Standards, as amended.

SECTION 2.

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

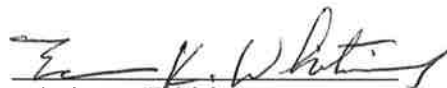
Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2017,
with approval recommended.



Rita Holladay, Chairman



Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

RESOLUTION PC-17-05

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 3., SECTION XXVIII., OPEN SPACE MULTI-FAMILY RESIDENTIAL OVERLAY DISTRICT (OSMFR), SUBSECTION H., BY PROVIDING FOR NEW REQUIREMENTS RELATED TO BUILDING FACADES

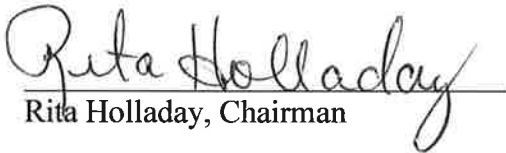
WHEREAS, the Tennessee Code Annotated, Section 13-4-201 et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on March 16, 2017;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of an ordinance, amending Ordinance 86-16, of the Farragut Zoning Ordinance, by adding Ordinance 17-05.

ADOPTED this 16th day of March, 2017.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 17-06, an ordinance to amend the Farragut Zoning Ordinance, Chapter 4., General Provisions and Exceptions, Section XXIV., Special Events Permit, (a)(1)(e)., Commercial, Office and Not-For-Profit/Non-Profit Entities to include sales from food trucks being permitted per special events application approval

INTRODUCTION AND BACKGROUND: This item involves a minor change to the Town's special events permit provisions as they relate to sales from trucks. Recently, in response to a request that was submitted to explore the possibility of providing for food trucks in the Town, a food truck committee was created with representatives from the Planning Commission, the Board of Mayor and Alderman, and the Economic Development Committee.

This committee met on two instances and recommended some modifications to the Town's special events permit language and application provisions. As currently proposed, the food truck committee was only interested in providing for food trucks if part of a larger approved special event. Currently, sales from trucks are prohibited as part of special events. The food truck committee recommended that this language be changed and re-worded as follows:

- e. Sales from food trucks are permitted if part of an approved special event

This is the language that was also unanimously recommended for approval by the Planning Commission during their consideration of Ordinance 17-06. As part of the Town's update to its adopted Fee Schedule for the next year a question was raised about how fees should be applied for food trucks that are part of special events. The food truck committee had recommended that food trucks that were not based in the Town of Farragut would pay a separate \$20 fee that would be collected as part of the special event. Some additional questions or clarifications for the Board to consider are:

- 1) Should a food truck vendor pay if part of a Town sponsored event or on Town property?
- 2) Related to this, should there be a food truck fee waiver for public vs. private events?
- 3) Should food truck vendors pay if they are not selling products as part of an event? This would apply to events, such a Remote Area Medical, where the event applicant pays a \$25 fee for the event itself and charges a fee for patrons to access the event. Once at the event patrons could go to any vendor without additional payment.

RECOMMENDATION: As part of the discussion on first reading, the Board of Mayor and Aldermen discussed the above questions and provided feedback to the staff. The Board recommended as part of their approval on first reading that Ordinance 17-06 include the language in red. With this addition the Board approved Ordinance 17-06 on first reading.

- e. Sales from food trucks are permitted if part of an approved special event and shall be subject to a fee, as provided for in the adopted Town of Farragut Fee Schedule

PROPOSED MOTION: To approve Ordinance 17-06, as amended, on second reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	17-06
PREPARED BY:	Shipley
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	March 16, 2017
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 4., GENERAL PROVISIONS AND EXCEPTIONS, SECTION XXIV., SPECIAL EVENTS PERMIT, SUBSECTION A., 1., E., BY PROVIDING FOR NEW REQUIREMENTS RELATED TO SALES FROM TRUCKS, 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 4, Section XXIV., Special Events Permit, Subsection A., 1., e., is amended by deleting it in its entirety and substituting in lieu thereof the following:

- e. Sales from food trucks are permitted if part of an approved special event.

SECTION 2.

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

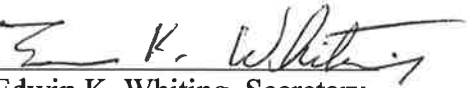
Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2017,
with approval recommended.



Rita Holladay, Chairman



Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

RESOLUTION PC-17-06

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 4., GENERAL PROVISIONS AND EXCEPTIONS, SECTION XXIV., SPECIAL EVENTS PERMIT, SUBSECTION A., 1., E., BY PROVIDING FOR NEW REQUIREMENTS RELATED TO SALES FROM TRUCKS

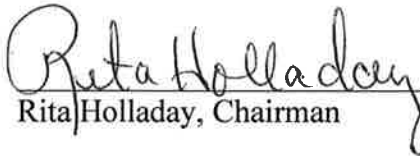
WHEREAS, the Tennessee Code Annotated, Section 13-4-201 et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

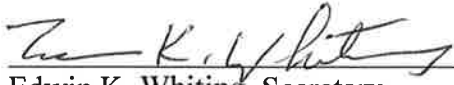
WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on March 16, 2017;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of an ordinance, amending Ordinance 86-16, of the Farragut Zoning Ordinance, by adding Ordinance 17-06.

ADOPTED this 16th day of March, 2017.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 17-08, an ordinance to amend the Farragut Zoning Ordinance, Chapter 4., Section III., Antennas and Towers, to provide for new telecommunications provisions

INTRODUCTION AND BACKGROUND: This item dates back to October when the Town's telecommunications consultant, Larry Perry, conducted a workshop on telecommunications and reviewed some of the legal and technical considerations that should be addressed as part of the telecommunication provisions update that is on the Community Development work program for this fiscal year. Mr. Perry reviewed the Town's existing provisions and provided the staff with a draft of proposed changes. The staff has subsequently reviewed with Mr. Perry some additional drafts and is proposing as Ordinance 17-08 to replace Chapter 4, Section III., of the Farragut Zoning Ordinance with new provisions. The Town's Tower Overlay District in Chapter 3 of the Zoning Ordinance will need to be removed from the Ordinance if the Board approves Ordinance 17-08 on first reading. The staff did not wish to remove the current provisions in Chapter 3 until it was apparent that the new provisions governing Towers would be approved.

DISCUSSION: After the Planning Commission's workshop discussion of the telecommunications draft ordinance at their meeting in February, the staff took the input provided by Commissioners and met with Larry Perry and another telecommunications expert to go through the draft ordinance and address certain remaining questions and comments. The staff has also received feedback from a number of telecommunications providers.

The staff considered this information and developed, in Ordinance 17-08, new parameters for the taller traditional cell towers (now referred to as "Towers") and the newer technologies that include shorter telecommunications structures in the form of small cells and DAS facilities. The staff has also addressed in the ordinance what is referred to as Non-Tower Wireless Communication Facilities. These are basically telecommunications structures proposed on existing structures that were not originally designed for telecommunications applications. This would include buildings, water tanks, billboards, utility poles, steeples, etc.

The staff has approached this from the perspective of what we are trying to regulate (e.g. tall vs. short poles or devices mounted on existing structures, their location, height, and general appearance) and has, to the greatest extent possible, avoided technical jargon that is unnecessary for purposes of what we are trying to accomplish. As proposed, Ordinance 17-08 would retain, as recommended by our consultant, the current provisions for dish antennas and amateur radio towers that are separate from commercial cellular towers. Some key provisions in Ordinance 17-08 include the following:

- 1) Adding new terms that address towers and small cell support structures;
- 2) Adding application review processes that are consistent with recent court decisions in terms of when an application must be acted on;
- 3) Specific provisions for towers that include differences in setbacks and heights for residential vs. non-residential zoned property;

- 4) Specific provisions for small cell support structures and DAS that address their location, height, and general appearance and differentiation between areas with overhead vs. underground utilities and structures proposed on land zoned residential;
- 5) Specific provisions for non-tower wireless communication facilities where telecommunication structures are mounted to existing structures;
- 6) Prioritization for the land uses where telecommunication facilities may be installed; and
- 7) Evaluation criteria for application reviews.

RECOMMENDATION: Prior to the Planning Commission's consideration of Ordinance 17-06, the staff circulated the ordinance to our consultant and the Town Attorney. Their comments have been incorporated in final version of Ordinance 17-06 and the ordinance is compliant with laws that govern the regulation of telecommunications. Though telecommunications are constantly evolving, the provisions in Ordinance 17-08 address the basic type of structures that we will likely see in the near future and how to lessen their visual impact to the community while still providing for the technology. There is a substantial emphasis on using stealth technology (such as the mono-pine tree on Concord Road) and lessening, to the greatest extent possible, impacts to residents and residential areas. At their meeting on March 16, 2017, the Planning Commission unanimously recommended approval of Ordinance 17-08. At the Board of Mayor and Aldermen meeting on April 13, 2017, Ordinance 17-08 was approved on first reading.

PROPOSED MOTION: To approve Ordinance 17-08 on second reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	17-08
PREPARED BY:	Shipley
REQUESTED BY:	Town Staff
CERTIFIED BY FMPC:	March 16, 2017
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 4., GENERAL PROVISIONS AND EXCEPTIONS, SECTION III., ANTENNAS AND TOWERS, TO PROVIDE FOR NEW REQUIREMENTS

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 4, General Provisions and Exceptions, of the Farragut Zoning Ordinance, Ordinance 86-16,

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

SECTION 1.

The Farragut Zoning Ordinance, Chapter 4, General Provisions and Exceptions, Section III., Antennas and Towers, is amended by deleting it in its entirety and substituting in lieu thereof the following:

III. – Telecommunications.

The following requirements shall apply to dish antennas, amateur radio towers (excluding Towers, as defined in this Ordinance), Towers, Non-Tower Wireless Communication Facilities, and Small Cell Support Structures.

- A. The following conditions shall apply to dish antenna placements in all zones:
 - 1. No text, pictures, logos, or advertising shall be displayed on any surface of the dish antenna.
 - 2. Installation of the required screening shall be done concurrently with the construction of the base mount for any dish antenna.
 - 3. Where screening is required, the dish antenna shall be screened from view from public rights-of-way and from adjacent property by any combination or single treatment of vegetative or structural barriers. The screening shall provide eighty (80)

percent opacity at a height of seven (7) feet within two (2) years of its installation. Defective or dead screening shall be replaced to maintain the screening of the dish antenna while the dish antenna remains in its permitted location.

4. The dish antenna or any required screening shall not penetrate any recorded easement.
- B. The following conditions shall apply to dish antenna placements in residential and agricultural zoning districts:
1. Only one (1) dish antenna shall be permitted per lot, parcel, or tract.
 2. No freestanding dish antenna shall exceed eleven (11) feet in height, as measured at its highest point above the surrounding grade.
 3. No dish antenna with a dish size greater than twenty-four (24) inches shall be placed on any roof or attached to any principal or accessory structure. Dish antennas with a dish size of twenty-four (24) inches or less may be placed on a roof or wall of a principal or accessory structure provided it does not project above the roof line, it is not visible from any public rights-of-way, and it does not violate any required setback.
 4. Freestanding dish antennas shall be set back from the side and/or rear property lines a minimum distance equal to at least two (2) times the height of the mounted dish antenna or the minimum distance for accessory structures whichever is greater.
 5. Screening shall be required for all dish antenna with a dish size greater than twenty-four (24) inches.
- C. The following conditions shall apply to dish antenna placements in Community Service, Commercial, and Office Zoning Districts:
1. Only one (1) dish antenna shall be permitted per business.
 2. A ground-mounted dish antenna shall not exceed eleven (11) feet in height, as measured at its highest point above the surrounding grade. A roof-mounted dish antenna shall not exceed eleven (11) feet above the attachment of the base mount to the roof.
 3. The maximum building height shall apply, relative to the particular zoning district in which the dish antenna is to be located.
 4. Dish antennas may be permitted to be located in the rear yard or on the roof. A dish antenna with a dish size of twenty-four (24) inches or less may be permitted to be attached to a wall provided it does not project above the roof line, it is not visible from any public rights-of-way, and it does not violate any required setback.
 5. Rear yard placements of the dish antennas may not be located in any other required buffer zone or screening required for other purposes.
 6. Screening shall be required for all rear yard placements of dish antennas.
 7. Roof-mounted dish antennas shall be screened on three (3) sides. The open side shall correspond with the directional requirements of the dish antenna.

- D. The following conditions shall apply to amateur radio towers and other antenna placements, excluding Towers, as defined in this Ordinance:
1. All amateur radio towers and antennas shall be setback a minimum of ten (10) feet from all rear and side property lines, plus an additional one-third (1/3) of a foot for each one (1) foot of tower/antenna height over thirty-five (35) feet tall. Setbacks shall be measured from the farthest most protrusion of the amateur radio tower and its appurtenances.
 2. All guy wires shall be set back from the side and/or rear property lines a minimum of ten (10) feet.
 3. No amateur radio tower shall exceed seventy (70) feet in height and the combined total height of an amateur radio tower and its antenna shall not exceed one hundred (100) feet in height.
 4. A certified survey shall be submitted at the discretion of the building official which shall verify amateur radio tower and antenna heights, and setbacks for the tower, its appurtenances, and the guy wires.
 5. No amateur radio tower, antenna, or guy wires shall be located within a front yard or on any recorded easement.
 6. No amateur radio tower shall be placed on a roof.
 7. A maximum of one (1) amateur radio tower greater than thirty-five (35) feet in height shall be permitted per lot, parcel, or tract that is less than five (5) acres. If a lot, parcel, or tract is greater than five (5) acres, a maximum of one (1) amateur radio tower per five (5) acres shall be permitted.
 8. An amateur radio tower shall be fenced, walled, or protected in some manner so as to prevent uncontrolled access by children from the street or from adjacent properties. Said wall, fence, or protection shall be maintained in good condition.
 9. All amateur radio towers shall be removed when no longer in service.
- E. The following terms shall apply to commercial cellular Towers and Small Cell Support Structures, as provided for in the remainder of this Ordinance. For terms not defined herein, the Federal Communications Commission ("FCC") definition shall apply.

Antennas or Related Equipment: Any transmitting, receiving or other equipment used in conjunction with a Wireless Communications Facility. The term includes Utility or Transmission Equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar equipment. This definition does not include Towers.

Applicant: An Applicant is a person or entity who is authorized by the provisions of this Ordinance to file for approval under these regulations.

Application: An Application is the completed site plan application form and all accompanying documents, exhibits, and fees required of an Applicant by the Town of Farragut as part of a submission for review.

Base Station: Equipment at a fixed location that enables Federal Communications Commission ("FCC") licensed or authorized wireless communication between user equipment and a communication network.

Cellular Telecommunications Services: A retail telecommunications service that uses radio signals transmitted through cell sites and switching stations.

Co-Location: Locating more than one (1) transmission Antenna or Related Equipment on the same Small Cell Support Structure or Tower.

Monopole: A structure that consists of a single vertical pole without guy wires, designed and erected on the ground to support communications antennas and connected appurtenances. A monopole could be either a Tower or a Small Cell Support Structure but would not include Non-Tower Wireless Communications Facilities since those are not originally designed to support communications antennas and connected appurtenances.

Non-Tower Wireless Communications Facilities: Wireless communications facilities other than Tower-based wireless communications. This would include facilities mounted to existing structures that were not originally intended to accommodate wireless communications facilities, such as buildings, Utility Poles, water towers, steeples, billboards, flags, etc.

Ordinance: Shall refer to this and any other applicable sections of the Farragut Municipal Code, as amended.

Planning Commission: The term "Planning Commission" shall mean the Farragut Municipal Planning Commission in Farragut, Tennessee.

Planning Jurisdiction: The Planning Jurisdiction includes those areas of Knox County, Tennessee, which fall under the jurisdictional authority of the Planning Commission.

Right-of-Way: The surface of and space above and below any real property in the municipality in which the federal government, state government, municipality, or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, bridges, or any other public place, area, or property under the control of the federal government, state, municipality, or municipal authority. Private Rights-of-Way and other government-owned lands not listed above shall not be considered a Right-of-Way. The phrase "in the Right(s)-of-Way" means, in, on, over, along, above and/or under the Right(s)-of-Way.

Small Cell System/Distributed Antenna System ("DAS"): A network of remote antenna nodes that distribute radio frequency signals from a central hub through a high capacity signal transport medium to a specific area.

Small Cell Support Structure: For purposes of this Ordinance, a Small Cell Support Structure could include a Monopole or a Non-Tower Wireless Communications Facility

that is erected within the public Right of Way or on private property and that does not exceed the lesser of either the maximum building height permitted in the associated zoning district or no more than three (3) feet above the predominant height of the shortest existing Utility Poles in the immediate area. Any other Monopole shall be considered a Tower, as defined herein, and subject to the regulations that would apply to Towers.

Small Cell Support Structures are constructed for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Staff: Those employees of the Town of Farragut assigned to support and/or administer the powers and duties prescribed to the Farragut Municipal Planning Commission.

Stealth Technology: Design techniques applied to telecommunication structures that will help conceal them or make them less visible to the casual observer. Such techniques may include, but are not limited to, facilities constructed to resemble light poles, trees, flag poles, steeples, or other streetscape elements. Stealth Technology may also include concealment wrap and similar technologies and placing applicable structures underground.

Tower: A support structure and all appurtenances constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of any telecommunications services or Personal Communication Services. This would include traditional Monopole commercial cell towers and Transport Poles. For purposes of this Ordinance, a Tower is differentiated from a Small Cell Support Structure in that a Tower is a Monopole that may exceed the permitted building height of the associated zoning district and is not permitted within the public right-of-way.

Transport Poles: A type of Tower that includes microwave backhaul. Transport poles are subject to all requirements associated with a Tower.

Transmission Equipment: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Utility: Has the meaning as defined in *Tennessee Code Annotated*.

Utility, Overhead: Utility infrastructure that is located primarily above ground as determined by Staff. For purposes of this Ordinance, Overhead Utilities include but are not limited to power lines and communications lines.

Utility Pole: A structure used for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables and located within the public Right of Way or Utility easements. A Small Cell Support Structure may be incorporated onto a Utility Pole provided such pole does not extend, with the application of Small Cell Support Structures, to a height greater than three (3) feet above the predominant height of the shortest Utility Poles within five-hundred (500) feet.

Utility, Underground: Utility infrastructure that is located primarily underground as determined by Staff. For purposes of this Ordinance, underground utilities include but are not limited to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, certain Small Cell Support System/DAS structures, and communications lines.

Wireless Communications Facility: The set of equipment and network components including antennas, transmitters, receivers, Base Stations, cabling, and Antenna or Related Equipment, used to provide wireless data and telecommunication services.

F. Towers. The following provisions shall apply to Towers, as defined herein.

1. Application Requirements

Pre-Application Filing Meeting. Prior to filing an application for a Tower a pre-application meeting with the Staff is required. At this meeting the applicable provisions associated with the requested Tower can be reviewed and discussed. An application will not be accepted if the required pre-application meeting has not been completed.

An Application for a new Tower shall include the following as applicable to the request:

- a) A completed site plan application and filing fee;
- b) A development site plan, per the requirements of this Ordinance, showing but not limited to the following: the location of the structure, identification of structure type, location of any proposed equipment cabinets or buildings, identification of adjacent land owners;
- c) A map and plan for how fiber optics are being extended to the property and to the proposed Tower and, where applicable, the Non-Tower Wireless Communications Facility. Fiber optics shall be placed underground in areas with primarily underground utilities and an additional Right of Way Permit from the Town shall be obtained for any work conducted within the Right of Way. Any fiber optics proposed outside the Right of Way or not within existing platted utility easements shall require an easement to be platted and presented to the Staff and the Planning Commission for approval;
- d) A landscape plan, per the requirements of this Ordinance;
- e) A map showing other Towers within a one (1) mile radius of the proposed site showing their height and ground elevations at the base;
- f) A map and other documentation which demonstrates the coverage ~~need~~ area for the proposed Tower as related to the coverage areas of the alternative sites referenced below;
- g) A certified survey showing a circular setback for the Tower, access road and road elevations to the site, adjacent property lines, existing landscaping features,

- identification of all nonresidential buildings and structures, property owners, existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed ten (10) feet, and all utility lines and easements;
- h) A list of other possible alternative sites within a one (1) mile radius that were considered for possible use by Applicant for the structure and the reason they were unsuccessful in each instance;
 - i) The name(s) and address of the initially proposed FCC licensed entity to use the structure;
 - j) Documentation from the Federal Aviation Administration (FAA) indicating whether lighting will be required for the Tower and whether it is a Hazard to air navigation;
 - k) A recorded covenant or deed that runs with the land (or alternate assurance approved by the Town Attorney) that provides for the owner of the Tower to remove such structure(s) at his/her expense if the structure has not been used for a period of six (6) months or more;
 - l) An affirmation by the applicant not only that the Tower is currently needed to provide adequate coverage, but committing that if the site plan is approved, the Tower and related equipment will be constructed and in use within twelve (12) months of the approval. The affirmation will also acknowledge that as time passes, municipal planning circumstances will change, and agreeing to reapply for site plan approval if the Tower approved by the original site plan is not timely constructed within the twelve (12) month period if the Tower is still desired.
 - m) A letter from an appropriate officer of the Applicant company stating that charges made to any user of the structure will be consistent with the charges made by other Tower owners in the area;
 - n) A copy of the lease agreement or letter from the property owner giving permission for the Application request;
 - o) Where applicable, a plat reflecting all newly established easements associated with a Tower, in addition to all recorded covenants or deeds;
 - p) Pre-addressed and unsealed postage stamped envelopes to be used by the Staff to notify property owners that are within a 1,000 foot radius of the Tower as measured from the base of the Tower; and
 - q) Any other document that the Staff, Planning Commission, or their consultant may request.

2. Processing of Applications

- a) Staff shall review all Applications for new Towers within 30 days of Application filing to determine if an Application is complete. During this time frame, the Staff may request a third party consultant review to verify certain applicable information.
- b) Staff shall issue initial comments to the Applicant within this 30 day time frame so that the Applicant can address any identified deficiencies. Once Staff comments have been addressed the Staff shall notify the Applicant in writing that the Application is complete. As applicable, the Staff or the Planning Commission shall then either approve, approve with conditions, or deny the Application within sixty (60) days of the date the Application is determined to be complete. If the Town does not make a final decision within the required sixty (60) days, the Application shall be deemed to be approved as submitted.

- c) Requests for co-locations on existing Towers shall be subject to obtaining a building permit. A site plan review will not be required for a co-location, provided the co-location is determined by Staff to comply with all applicable provisions of this Ordinance.
- d) An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Staff or Planning Commission in the administration of this Ordinance may appeal the action to the Board of Zoning Appeals. Such appeal must be taken within thirty (30) consecutive calendar days of the final action by the Staff or Planning Commission. The appeal shall be filed with the Staff along with an appeal fee of one hundred dollars (\$100). The Staff will fix a reasonable time for hearing the appeal and give public notice, as well as written notice to the appellant and the owner of right-of-way or property (if different from the jurisdiction) at least ten (10) days prior to the hearing.
- e) An applicant claiming to be injured or aggrieved by any final action of the Town rendered by the Board of Zoning Appeals may appeal from the final action to the Circuit Court of Knox County Tennessee. Such appeal shall be taken within thirty (30) days after such action.

3. Design Standards for Towers

- a) At the time of Application submittal, the Applicant shall provide information demonstrating compliance with the applicable provisions of this Ordinance. Where the Planning Commission finds that circumstances or conditions relating to the particular Application are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such conditions or circumstances make one or more requirements unreasonable, the Planning Commission may modify or waive such requirement, either permanently or on a temporary basis. Any modification or waiver, along with justification for each, shall be requested in writing by the Applicant.
- b) All Towers, as well as Non-Tower Wireless Communications Facilities mounted on top of existing buildings or other structures, shall be constructed with Stealth Technology that has been approved by the Planning Commission. All cables and wires shall be installed inside the stealth Monopole structure. Stealth Technology shall not apply to existing Towers, unless such Towers are replaced or an existing lease is re-negotiated to provide for Stealth Technology. Replacement Towers shall be constructed with Stealth Technology.
- c) All Towers that are proposed on property that is not zoned residential and does not abut property that is zoned residential shall be set back a minimum of one-half ($\frac{1}{2}$) of a foot for each one (1) foot of Tower and Antenna height or fifty (50) feet, whichever is greater. Setbacks shall be measured from the farthest most protrusion of the Tower and Antenna to the nearest point of any property line.
- d) All Towers that are proposed on property that is zoned residential or Towers that are proposed on property that is not zoned residential but abuts property that is zoned residential shall be set back a minimum of one (1) foot for each one (1) foot of Tower and Antenna height. Setbacks shall be measured from the farthest most protrusion of the Tower and Antenna to the nearest point of any property line.

- e) All equipment shelters, cabinets, fencing, and all other structures accessory to a Tower shall be set back a minimum of fifty (50) feet on property that is not zoned residential and that does not abut property that is zoned residential. All equipment shelters, cabinets, fencing, and all other structures accessory to a Tower shall be set back a minimum of sixty (60) feet on property that is zoned residential or property that is not zoned residential but abuts property that is zoned residential. Setbacks shall be measured from the farthest most protrusion of the structure(s) to the nearest point of any property line.
- f) All access ways leading to a Tower and/or its accessory structures shall be set back a minimum of ten (10) feet from all side and rear property lines.
- g) Towers and attached antennae, including a lightning rod, that are proposed on property that is not zoned residential shall not exceed a height of one-hundred sixty five (165) feet. This also applies to a Non-Tower Wireless Communication Facility that is constructed on top of another building or structure with the height being the overall height of the building/structure and Tower together, measured from the average grade at the building or structure plane to the highest point. The setback requirements in this Ordinance shall apply regardless of whether the Tower is a Monopole or a Non-Tower Wireless Communication Facility constructed on top of another building or structure.
- h) Towers and attached antennae, including a lightning rod, that are proposed on property that is zoned residential shall not exceed a height of seventy-five (75) feet. This also applies to a Tower that is constructed on top of another building or structure with the height being the overall height of the building/structure and Tower together, measured from the grade to the highest point. The setback requirements in this Ordinance shall apply regardless of whether the Tower is a Monopole or a Non-Tower Wireless Communication Facility constructed on top of another building or structure.
- i) No accessory building or structure for a Tower shall exceed fifteen (15) feet in height.
- j) Towers shall not be permitted within the area adopted as the Mixed Use Town Center, as shown in the Comprehensive Land Use Plan Update, as amended.
- k) Towers shall not be illuminated, except in accordance with state or federal regulations.
- l) The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.
- m) Fencing used to enclose Towers and their accessory structures shall be properly maintained and in compliance with state or federal regulations.
- n) The fenced area that encloses the Tower and its accessory structures shall be landscaped with non-exotic, non-invasive plant material that is reviewed and approved as part of a landscape plan that shall accompany the Application. This material shall meet the minimum sizes provided for in the Town's landscaping requirements and shall include species and a spacing arrangement that will screen the fenced area from view. A landscape maintenance letter of credit shall be provided to cover the maintenance of the approved plant material for a minimum of 2 years. If an existing structure is being used for Stealth purposes as part of a Non-Tower Wireless Communication Facility, the plant material requirements may be waived by the Planning Commission.
- o) Existing trees around a Tower site shall be preserved and may count toward fulfilling a portion or all of the landscaping requirements stipulated in this Ordinance.
- p) All driveways and off-street parking areas shall be constructed with a non-erodible improved surface, such as asphalt, concrete, permeable pavers, that is properly drained and maintained.

The driveway shall be a minimum width of twelve (12) feet and a maximum width of twenty-four (24) feet. The composition of the driveway and off-street parking areas shall be designed by the Applicant's engineer and shall be based on the heaviest vehicles that are likely to use such facilities. A turn around area is also required for emergency responders and shall be a component of the approved design.

- q) There shall be no signs permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs shall not exceed five (5) total square feet in area.
- r) All new Towers shall be designed and constructed to provide for Co-Location unless an Applicant can clearly demonstrate that Co-Location is not feasible given a proposed Tower's height. A Tower design, including Stealth Technology, and placement shall provide for any anticipated height extension that may occur in the future. Additional height shall require additional Co-Location. Options for Co-Location shall be reviewed with the Staff and Planning Commission based on the height and placement of the proposed Tower.
- s) All option and site lease agreements shall permit the possibility of Co-Location.
- t) To ensure the structural integrity of a Tower, the owner of such Tower shall ensure that the Tower is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for structures that are published by the Electronic Industries Association, as amended from time to time. If upon inspection, the Town of Farragut concludes that a Tower fails to comply with applicable codes and standards and constitutes a danger to person or property, then upon notice being provided to the owner of the Tower, the owner shall have thirty (30) days to bring such Tower into compliance with such standards. Failure to bring such Tower into compliance within said thirty (30) days shall constitute grounds for the removal of the Tower at the owner's expense.

G. Small Cell Support Structures and Distributed Antenna Systems (DAS). The following provisions shall apply to Small Cell Support Structures and DAS, as defined in this Ordinance.

1. Application Requirements

Pre-Application Filing Meeting. Prior to filing an application for a Small Cell Support Structure or DAS, a pre-application meeting with the Staff is required. At this meeting the applicable provisions associated with the request can be reviewed and discussed. An Application will not be accepted if the required pre-application meeting has not been completed.

This meeting will allow for early coordination by identifying existing structures that might be suitable for co-location or that might qualify as Non-Tower Wireless Communication Facilities. This will also help identify any other issues which may relate to (i) the use of Right of Way or Utility Poles and/or (ii) the application to the proposed request of any other local zoning, subdivision regulations, or other rules, regulations or adopted plans, including, but not limited to the Comprehensive Land Use Plan and Architectural Design Standards. The meeting will provide an opportunity for an initial discussion regarding

proposed structure locations, design, and the Application submittal and approval process. Coordination with utilities for possible use of pre-existing structures will be required. Applicants shall supply the provider's preferred locations, structure design, style, and structure height at least one week prior to the pre-application meeting or upon request for such meeting.

Unless provided for otherwise, all proposed Small Cell Support Structures/DAS shall be subject to Staff review and approval by the Planning Commission. Certain Non-Tower Wireless Communication Facilities Applications, including co-locations, may be reviewed and approved by the Staff provided the Staff determines that a more formal review with the Planning Commission is not necessary based on the location and/or physical characteristics of the proposed facilities.

Applications for Small Cell Support Structures or DAS shall include the following information as applicable to the request:

- a) A completed site plan application and filing fee. Applications are limited to three (3) Structures per Application.
- b) A development site plan, signed and sealed by a professional engineer registered in Tennessee, showing the proposed location of each Small Cell Support Structure and any existing Small Cell Support Structures within five hundred (500) feet of each proposed location. This plan shall specifically identify, for each location, existing Utility Poles within five-hundred (500) feet and their predominant physical characteristics (type, material, height, color, etc.). The plan shall address whether an existing Utility Pole is proposed to be used to accommodate a Small Cell Support Structure or whether a new Monopole is being requested. The plan shall also address if an existing Utility Pole is being replaced in order to accommodate a Small Cell Support Structure.
- c) A map and plan for how fiber optics are being extended to the Small Cell Support Structure/DAS and, where applicable, the Non-Tower Wireless Communications Facility. Fiber optics shall be placed underground in areas with primarily underground utilities and an additional Right of Way Permit from the Town shall be obtained for any work conducted within the Right of Way. Any fiber optics proposed outside the Right of Way or not within existing platted utility easements shall require an easement to be platted and presented to the Staff and the Planning Commission for approval.
- d) For Non-Tower Wireless Communications Facilities proposed on buildings or other structures that are not within the Right of Way, the development site plan shall include the proposed Small Cell Support Structures, their physical characteristics, and Stealth Technology applications that would be proposed based on the proposed location and context.
- e) An indication of existing improvements, such as pedestrian facilities, accesses, landscaping, and Underground Utilities, that are within twenty-five (25) feet of the proposed Small Cell Support Structure(s) and any other information that may be pertinent to or impact the decision on where to place the structure and its related equipment.
- f) A map and other documentation which demonstrates the coverage ~~need~~ area for each proposed Small Cell Support Structure. This shall include a statement of the

telecommunications objective(s) for each proposed Small Cell Support Structure location, whether the proposed facility is necessary to prevent or fill a gap or capacity shortfall in the Applicant or provider's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites or other applications that would have fewer aesthetic impacts while providing comparable service.

- g) A statement by an authorized representative that the Applicant or provider holds all applicable licenses or other approvals required by the FCC, and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the Applicant to construct the proposed facility.
- h) A statement by an authorized representative that the Applicant or provider is in compliance with all conditions required for such license and approvals.
- i) A full description of the number and dimensions of all Small Cell Support Structures to be installed including, but not limited to, all underground structures, antennae, the height of above ground structures and any equipment cabinets or buildings associated with the installation.
- j) Where structures are permitted above ground, a vertical profile sketch or drawing of the structures, signed and sealed by a professional engineer registered in Tennessee, indicating the height of the structure and the placement and physical dimensions of all antennas and equipment enclosures.
- k) For Non-Tower Wireless Communications Facilities to be mounted on existing Utility Poles or replacement Utility Poles, the profile sketch shall verify compliance with the height parameters provided for in this Ordinance.
- l) Written approval from the property owner(s) stating that the Applicant or provider has permission to apply to construct a facility on their property (e.g. on an existing building with a Non-Tower Wireless Communication Facility in the form of a Small Cell Support Structure). In the case of non-Town owned Utility Poles, the utility provider shall acknowledge permission for the Applicant to apply to use their Pole(s) for Small Cell Support Structures. Monopoles within the Right-of-Way or proposed on Town-owned Utility Poles shall be considered by the Staff and Planning Commission, as representatives of the Town, as part of the Application review. Final approval to use Town-owned property for Small Cell Support Structures shall be acknowledged in writing by the duly-authorized representative of the Town. A lease agreement or a franchise agreement with the Town will typically be required as a condition of Staff or Planning Commission approval.
- m) Photographs of view shed from each proposed Small Cell Support Structure location taken in at least four directions.

2. Processing of Applications

- a) Staff shall review all Applications for new Small Cell Support Structures within 30 days of Application filing to determine if an Application is complete. During this time frame, the Staff may request a third party consultant review to verify certain applicable information.
- b) Staff shall issue comments to the Applicant within this 30 day time frame so that the Applicant can address any identified deficiencies. Once Staff comments have been addressed the Staff shall notify the Applicant in writing that the Application is complete. As applicable, the Staff or the Planning Commission shall then either

approve, approve with conditions, or deny the Application within sixty (60) days of the date the Application is determined to be complete. If the Town does not make a final decision within the required sixty (60) days, the Application shall be deemed to be approved as submitted.

- c) An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Staff or Planning Commission in the administration of this Ordinance may appeal the action to the Board of Zoning Appeals. Such appeal must be taken within thirty (30) consecutive calendar days of the final action by the Staff or Planning Commission. The appeal shall be filed with the Staff along with an appeal fee of one hundred dollars (\$100). The Staff will fix a reasonable time for hearing the appeal and give public notice, as well as written notice to the appellant and the owner of right-of-way or property (if different from the jurisdiction) at least ten (10) days prior to the hearing.
- d) An applicant claiming to be injured or aggrieved by any final action of the Town rendered by the Board of Zoning Appeals may appeal from the final action to the Circuit Court of Knox County Tennessee. Such appeal shall be taken within thirty (30) days after such action.

3. Design Standards for Small Cell Support Structures/DAS

The regulations in this subsection shall apply to Small Cell Support Structures and DAS. Temporary, mobile or wheeled cellular antenna structures shall not be permitted without prior approval from the Staff or, where applicable, the Planning Commission.

- a) Monopole Small Cell Support Structures shall include Stealth Technology and shall not exceed the lesser of either the maximum building height for the zoning district within which they are located or three (3) feet above the predominant height of the shortest Utility Poles within five-hundred (500) feet of the proposed Monopole. Small Cell Support Structures that involve replacing existing Utility Poles shall be subject to adhering to the height of the Utility Pole that is being replaced plus an additional three (3) feet. Replacement Utility Poles that will more effectively accommodate a Stealth Technology shall be prioritized as part of the Application review process.
- b) Non-Tower Wireless Communication Facilities that incorporate Small Cell Support Structures shall include Stealth Technology appropriate for the proposed location and context. With the exception of Utility Poles, Non-Tower Wireless Communications Facilities shall not exceed the lesser of either the maximum building height permitted in the associated zoning district or ten (10) feet above the height of the existing structure on which the Small Cell Support Structures are proposed. In relation to Utility Poles, Non-Tower Wireless Communications Facilities shall not extend more than three (3) feet above the predominant height of the shortest Utility Poles within five-hundred (500) feet.
- c) Small Cell Support Structures shall be designed and constructed to accommodate a minimum of two (2) service providers. Based on the proposed location and context, this may be exempted for Non-Tower Wireless Communications Facilities.
- d) Small Cell Support Structures shall not interfere with other utilities, encroach onto or over sidewalks and other pedestrian or bicycle facilities, interfere with landscaping, visibility, or other matters of public safety.

- e) Small Cell Support Structures proposed in an area with primarily underground utilities shall be placed underground with the exception of an antenna. All wiring shall be concealed within the pole and antenna and the antenna shall include Stealth Technology appropriate for the location and context.
- f) Small Cell Support Structures proposed in an area with primarily overhead utilities shall apply Stealth Technology that is appropriate for the location and context.
- g) Where wiring to an antenna cannot be concealed within a Utility Pole (e.g. wooden poles), all wiring to the antenna shall be concealed within the most Stealth conduit possible that matches the color of the Utility Pole.
- h) Small Cell Support Structures proposed on property zoned residential shall be encouraged to be Non-Tower Wireless Communication Facilities (such as those contained behind building parapets or concealed within other existing structures) that include Stealth Technology appropriate for the location and context.
- i) Where an Applicant can clearly demonstrate that employment of a Non-Tower Wireless Communication Facility is not possible on a property zoned residential, all Small Cell Support Structures shall be placed underground. In all cases, antennas proposed on property zoned residential shall be concealed with concealment wrap or a similar application.
- j) Small Cell Support Structures shall not be illuminated, except to fulfill certain state or federal regulations, or where illumination is integral to the Stealth Technology, such as a design intended to look like a street light pole.
- k) Small Cell Support Structures shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the Stealth Technology. Such display shall not exceed the width of the pole, unless a wider sign is integral to the Stealth Technology such as a design which integrates a decorative banner.
- l) The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.
- m) Small Cell Support Structures shall not be located within five hundred (500) feet of an existing Small Cell Support Structure unless an Applicant can clearly demonstrate that such distance prohibits the carrier's ability to provide service. Multiple carriers are permitted and encouraged to locate on one Small Cell Support Structure, where possible.
- n) Reasonable efforts shall be made by the Applicant and assessed as part of the Application review process to locate new Small Cell Support Structures in the order of hierarchy below, based on the following functional roadway classification from the most to least preferred:

Interstate
Arterial
Collector
Local

- o) Reasonable efforts shall be made by the Applicant and assessed as part of the Application review process to locate new Small Cell Support Structures based on the following hierarchy of zones and land uses from the most to least preferred:

Commercial
Institutional
Public parks

Agricultural
Residential

H. Factors to Consider in Evaluation of Applications

As part of Staff and Planning Commission review of Applications filed for telecommunications facilities, the conformity of the Application with the foregoing requirements, including but not limited to the following, shall apply:

1. The Application is consistent with the objectives of this Ordinance.
2. The adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.) that provide for the ability to comply with the provisions of this Ordinance.
3. The extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.
4. The extent to which the proposed telecommunications facility is camouflaged (i.e., use of Stealth Technology).
5. The extent to which the proposed facility is integrated with existing structures (i.e., buildings, signs, Utility Poles, etc.).
6. An Applicant's compliance with all Town requirements with respect to previous Applications.

I. Amendments to Approved Plans

Amendments to approved plans shall be reviewed by the Staff once the Application for the associated amendment is deemed complete and, where applicable, forwarded to the Planning Commission for consideration and approval. Evaluation of the amendment shall be based on the applicable criteria of this Ordinance.

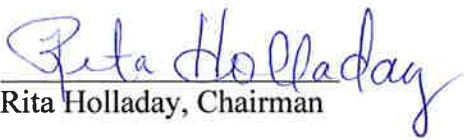
SECTION 2.

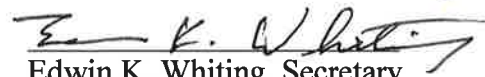
This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

Dr. Ralph McGill, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2017,
with approval recommended.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

RESOLUTION PC-17-08

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE TEXT OF THE FARRAGUT ZONING ORDINANCE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-4-201, TENNESSEE CODE ANNOTATED, BY AMENDING CHAPTER 4., GENERAL PROVISIONS AND EXCEPTIONS, SECTION III., ANTENNAS AND TOWERS., TO PROVIDE FOR NEW REQUIREMENTS

WHEREAS, the Tennessee Code Annotated, Section 13-4-201 et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

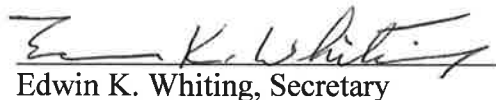
WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on March 16, 2017;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of an ordinance, amending Ordinance 86-16, of the Farragut Zoning Ordinance, by adding Ordinance 17-08.

ADOPTED this 16th day of March, 2017.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary