



**FARRAGUT BOARD OF MAYOR AND ALDERMEN
AGENDA
June 27, 2019**

**BEER BOARD
See Beer Board Agenda
6:50 PM**

**BMA MEETING
7:00 PM**

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
 - A. Farragut Municipal Planning Commission Appointment
- IV. Approval of Minutes**
 - A. June 13, 2019
- V. Business Items**
 - A. Approval of Professional Design Services for the Town Hall Restroom Renovation
- VI. Ordinances**
 - A. Public Hearing and Second Reading
 - 1. **Ordinance 19-19**, an ordinance to amend Chapter 2. Definitions, to remove reference to clustered housing units in the definition of house trailer and amending Chapter 3. Specific District Regulations, Sections XI., XII., XV., and XXVIII., to remove references, as applicable, to group housing facilities, elderly housing, group housing, and elderly and group housing
 - 2. **Ordinance 19-20**, an ordinance to amend Chapter 2., Definitions, to provide for a definition for short term rental unit, bed & breakfast, permitted use, prohibited use, and to modify the definition of family; and

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family; and Chapter 4., Sections IV., X., and XIV. to clarify permitted and prohibited use, prohibit short term rentals, provide regulations to address grandfathered short-term rentals, and further address the use and development of lots and parcels

3. **Ordinance 19-21**, an ordinance on first reading to amend Chapter 3., Specific District Regulations, Section VII., Open Space Residential Overlay District (OSR), Subsection E., Part 5., Maximum Lot Coverage, to revise and clarify the calculation of total building area and total lot coverage.

- VII. **Citizens Forum**
- VIII. **Town Administrator's Report**
- IX. **Town Attorney's Report**

Board of Mayor and Aldermen Meeting Public Comment Protocol

The Board of Mayor and Aldermen welcomes and invites citizens to participate in public meetings.

At the beginning of each meeting, there will be time reserved for public comment under the Citizen Forum agenda item. If you are interested in speaking, please fill out a blue comment card and turn it in to the Town Clerk or staff member. This time is set aside specifically for comments on items that are not on the Board of Mayor and Aldermen regular agenda for the meeting. Each speaker will be given five (5) minutes to speak on his/her topic.

During the regular agenda portion of the meeting there may be an allowance for public comment for each agenda item. The Mayor may recognize individuals for public comment based on the following guidelines:

1. The Mayor shall maintain and control the meeting to provide a professional and objective environment conducive to presentation and discussion of the agenda items;
2. Anyone interested in speaking should fill out a blue comment card stating which agenda item they would like to comment on and turn in to the Town Clerk or a staff member;
3. Speakers shall come to the podium and identify themselves by name and address;
4. Public comment shall be limited to five (5) minutes per individual, time may be extended at the discretion of the Mayor; time is not transferable to other speakers;
5. Speakers should strive to avoid redundancy;
6. Comments shall address issues, not individuals or personalities;
7. Comments may support or oppose particular issues or measures, but the motives of those with differing views shall not be questioned or attacked;
8. Personal attacks and malicious comments shall not be tolerated;
9. An applicant, and/or their representative(s), for an item on the regular agenda shall be afforded the time necessary to present their request and respond to questions. The five (5) minute limitation shall not apply. However, the Mayor may ask an applicant to stay on point in order to facilitate the efficiency of the meeting.



FARRAGUT BEER BOARD

June 27, 2019

6:50 PM

I. Approval of Minutes

A. May 23, 2019

II. Beer Permit Request

- A. Approval of Class 4, On-Premise Tavern Permit for The Admiral Pub, 143 Brooklawn Street
- B. Approval of Class 6, Special Occasion Beer Permit for the Farragut Business Alliance "Dog Daze III" event, August 16-18, 2019

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FARRAGUT BEER BOARD

May 23, 2019

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

Approval of Minutes

Motion was made to approve the minutes of March 25, 2019 as presented. Moved by Mayor Williams, seconded by Alderman Povlin; voting yes, Mayor Williams, Aldermen Burnette, Meyer and Povlin; Alderman Pinchok abstained; no nays; motion passed.

Beer Permit Request

Approval of Class 1, On-Premise Beer Permit for The Shrimp Dock, 11124 Kingston Pike

Motion was made to approve a Class 1, On-Premise Beer Permit for The Shrimp Dock, 11124 Kingston Pike. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Class 6, Special Occasion Beer Permit for the Farragut Business Alliance "Red, White and Blues Festival" event

Motion was made to approve a Class 6, Special Occasion Beer Permit for the Farragut Business Alliance "Red, White and Blues Festival" event. Moved by Alderman Povlin, seconded by Alderman Meyer. Motion was amended to include the revised name of the festival, "Music Fest @ West End". Voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Ron Pinchok, Chairman

Allison Myers, Town Recorder

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REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of a Class 4 On-Premise, Tavern Permit for The Admiral Pub, 143 Brooklawn Street.

DISCUSSION:

The purpose of this agenda item is the approval of a Class 4 On-Premise Tavern permit for The Admiral Pub, 143 Brooklawn Street. Currently the space houses the Casual Pint, which has a Class-4 permit. The owners of the Admiral Pub plan to take over towards the end of June. The details of the Class 4 permit are below.

***Class 4 On-premise-Tavern** where beer is sold for consumption at a tavern. Tavern shall mean a business establishment whose primary business is or is to be the sale of beer to be consumed on the premises. There shall not be more than a total of three (3) taverns located within the corporate limits of the Town of Farragut. To qualify for a Class 4 On-Premises permit, an establishment must, in addition to meeting the other regulations and restrictions in this chapter:*

- a. Be housed in building space and/or tenant space that does not exceed three thousand five hundred (3,500) gross square feet.*
- b. Not make or allow the sale of beer between the hours of 12:00 a.m. and 12:00 p.m. on Sundays, and between 12:00 a.m. and 10:00 a.m. on all other days of the week.*
- c. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred forty (340) feet of any school or church. The distances shall be measured in a straight line from the nearest point on the building from which the beer will be manufactured, stored or sold to the nearest point on the building of the school or church. No permit shall be suspended, revoked or denied on the basis of proximity of the establishment to a school or church if a valid permit had been issued to any business on that same location, unless beer is not sold, distributed or manufactured at that location during any continuous six-month period.*
- d. Provide throughout with an approved, supervised automatic fire sprinkler system installed in accordance with NFPA 13.*

The application and information are in order.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

To approve a Class 4 On-Premise Tavern Permit subject to obtaining the business and a certificate of occupancy.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>MEYER</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

APPLICATION FOR BEER PERMIT

pd
6/10/19

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) AWE Hospitality LLC
Andrew J Fox

- 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:

Andrew J Fox

- Applicant's present home address:

2 Knoxville TN 37922

- Date of Birth _____ Home Telephone Number _____
Business Telephone Number 865 454 4343 Social Security Number _____

- Representative Email Address: ATFox2006@gmail.com

- Under what name will the business operate? The Admiral Pub

- Business address 143 Brooklawn St, Farragut, TN 37934
Business Telephone number 865 635 1720

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

AWE Hospitality LLC, Andrew Fox, 100 Sequoyah rd
London, TN 37774

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

Name: _____ Birth Date: _____

Address: _____

Phone Number: _____

13. Has any person having at least a 5% ownership interest, any of the managers, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime within the last ten (10) years: ____ Yes ☒ No. If yes, give particulars of each charge, court, and date convicted.

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

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

16. What is the name and address of the Church (or other place of worship) nearest to your business?
Farragut Presbyterian Church 209 Pinestone Blvd Knox

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

Farragut High School 11237 Kingston Pike, Knox 37934

18. Special Occasion Event Name: _____

Location of the special occasion event: _____

Event Date & Times: _____

Representative name & phone number: _____

Have you received a special event permit to hold the event in the Town of Farragut? _____

19. Tennessee Sales Tax Number: Pending

20. Town of Farragut Business License Number Pending 3016

REPORT TO THE BEER BOARD

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval of a special occasion beer permit for the Farragut Business Alliance Dog Daze III

DISCUSSION:

The Farragut Business Alliance is planning a Dog Daze III event and is requesting a special occasion beer permit. The Town's Municipal Code governing special occasion beer permits is below.

Sec. 8-212. - Special occasion beer permit.

The special occasion beer permit request shall be made on such form as the board shall prescribe and/or furnish and shall be accompanied by a non-refundable application fee of one hundred dollars (\$100.00).

- (1) The beer board is authorized to issue a special occasion beer permit to bona fide charitable or nonprofit organizations for special events.
- (2) The special occasion beer permit shall not be issued for longer than one (1) forty-eight-hour period, unless otherwise specified by the beer board, subject to the limitations on the hours, imposed by law.
- (3) The application for the special occasion beer permit shall state whether the applicant is a charitable or nonprofit organization, include documents showing evidence of the type of organization, and state the location of the premise upon which alcoholic beverages shall be served and the purpose for the request of the license.

- (4) For purposes of this section:

Bona fide charitable or nonprofit organization means any corporation or other legal entity which has been recognized as exempt from federal taxes under section 501(c) of the Internal Revenue Code.

- (5) No charitable or nonprofit organization possessing a special occasion beer permit shall purchase, for sale or distribution, beer from any source other than a licensee as provided pursuant to state law.
- (6) Failure of the special occasion permittee to abide by the conditions of the permit and all laws of the State of Tennessee and the Town of Farragut will result in a denial of a special occasion beer permit for the sale of beer for a period of two (2) years.

The Farragut Business Alliance is a nonprofit organization and is requesting the permit for August 16-18, 2019. They are also requesting the \$100 application fee be waived as the Town is an event sponsor of the event.

RECOMMENDATION BY:

Allison Myers, Town Recorder, for approval.

PROPOSED MOTION:

Motion to waive the \$100 application fee and approve the special occasion beer permit for the Dog Daze III for August 16-18, 2018.

BOARD ACTION:

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

APPLICATION FOR BEER PERMIT

STATE OF TENNESSEE

TOWN OF FARRAGUT

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

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

Class 1 On-Premise

Class 2 On-Premise, Other

Class 3 On-Premise, Hotel/Motel

Class 4 On-Premise, Tavern

Class 5 Off-Premise

* Class 6, Special Occasion

3. Name of Applicant(s) (Owner(s) of Business) Stephen F. Kremasky
Farragut Business Alliance

4. Type of applicant (check one):

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

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

6. Applicant's present home address:

10609 Chevy Drive Knoxville, TN 37922

7. Date of Birth 10/04/1955 Home Telephone Number 865-288-0672
Business Telephone Number 865-307-2486 Social Security Number 275-52-6087

8. Representative Email Address: steve@farragutbusiness.com

9. Under what name will the business operate? SHOP FARRAGUT

10. Business address P.O. Box 23583 Farragut, TN 37933

Business Telephone number 865-307-2486

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

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

Name: _____ Birth Date: _____

Address: _____

Phone Number: _____

13. Has any person having at least a 5% ownership interest, any of the managers, or any other employee of the business, been convicted of any violation of the beer or alcoholic beverage laws or any crime within the last ten (10) years: ____ Yes ____ No. If yes, give particulars of each charge, court, and date convicted.

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

15. Name and address of property owner, if other than the business owner: DAVIS OVERTON
WHITE REALTY PO BOX 10028 Knoxville, TN 37939

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

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

FARRAGUT HIGH SCHOOL

18. Special Occasion Event Name: DOG DAZE III

Location of the special occasion event: Village Green Shopping Center Parking Lot

Event Date & Times: Friday August 16 → Sunday August 18, 2019 (attached)

Representative name & phone number: Stephen F. Krempzsky 865-307-2486

Have you received a special event permit to hold the event in the Town of Farragut? YES

19. Tennessee Sales Tax Number: _____

20. Town of Farragut Business License Number _____

Event Schedule:

Fri Aug 16, 2019 Onsite Registration/ Practice – 3:00 pm

Try DockDogs – 4:00-7:00 pm

Sat Aug 17, 2019 Onsite Registration/ Practice – 10:00 am

Big Air WAVE # 1 – 11:00 am

Big Air WAVE # 2 – 12:30 pm

Big Air WAVE # 3 – 2:00 pm

Big Air WAVE # 4 – 3:30 pm

Extreme Vertical (All in one) – 5:00 pm

Sun Aug 18, 2019 Onsite Registration/ Practice – 10:00 am

Big Air WAVE # 5 – 11:00 am

Big Air WAVE # 6 – 12:30 pm

Speed Retrieve (All in one Finals) – 2:00 pm

Big Air Finals start at 3:30 pm

(Pro, Semi-Pro, Contender & Amateur Finals)

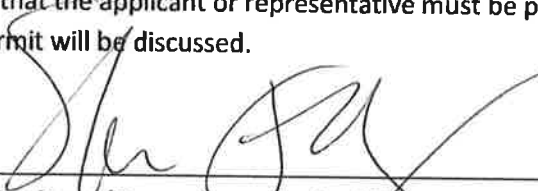
Event Format: Outdoor Big Air®, Extreme Vertical®, Speed Retrieve™, and Iron Dog Rankings

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

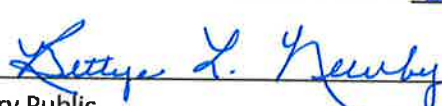
I understand that this application is subject to the Tennessee Public Records Act and shall be open for inspection and reproduction by any citizen. Tennessee Code Annotated 10-7-503.

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

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


Signature of Applicant/Owner (or authorized Corporate Official)

Sworn to and subscribed before me this 3rd day of June, 2019.


Notary Public

My Commission Expires: My Commission Expires April 27, 2021



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

June 13, 2019

**WORKSHOP
Committee Appointments
6:00 PM**

**BMA MEETING
7:00 PM**

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
- IV. Approval of Minutes**
 - A. May 23, 2019
- V. Business Items**
 - A. Approval of Agreement with Homestead Land Holdings for construction of Virtue Road roundabout
 - B. Approval of Bids for Contract 2019-07, Campbell Station Road & Snyder Road Intersection Improvements
 - C. Approval of Bids for Contract No. 2020-06, HVAC Maintenance
 - D. Approval of Bid for Contract No. 2020-07, Street Sweeping
 - E. Approval of FY2020 Committee Appointments
 - F. Approval of Resolution R-2019-03, Fee Resolution
- VI. Ordinances**
 - A. Public Hearing and Second Reading
 - 1. **Ordinance 19-22**, Ordinance to Establish the Fiscal Year 2020 Budget for the General Fund, State Street Aid Fund, Capital Investment Fund, ADA Fund, Equipment Replacement Fund and Insurance Fund

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budgets of the Town of Farragut, Tennessee for the fiscal year beginning July 1, 2019 and ending June 30, 2020

B. First Reading

1. **Ordinance 19-19**, an ordinance on first reading to amend Chapter 2. Definitions, to remove reference to clustered housing units in the definition of house trailer and amending Chapter 3. Specific District Regulations, Sections XI., XII., XV., and XXVIII., to remove references, as applicable, to group housing facilities, elderly housing, group housing, and elderly and group housing
2. **Ordinance 19-20**, an ordinance on first reading to amend Chapter 2., Definitions, to provide for a definition for short term rental unit, bed & breakfast, permitted use, prohibited use, and to modify the definition of family; and Chapter 4., Sections IV., X., and XIV. to clarify permitted and prohibited use, prohibit short term rentals, provide regulations to address grandfathered short-term rentals, and further address the use and development of lots and parcels
3. **Ordinance 19-21**, an ordinance on first reading to amend Chapter 3., Specific District Regulations, Section VII., Open Space Residential Overlay District (OSR), Subsection E., Part 5., Maximum Lot Coverage, to revise and clarify the calculation of total building area and total lot coverage.

VII. Citizens Forum

VIII. Town Administrator's Report

IX. Town Attorney's Report

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

Approval of Agenda

Motion was made to approve the agenda with the addition of item V.G. "Approval of Amendment 2 to Emergency Contract with Whaley Construction, LLC, for Additional Repairs at Campbell Station Road". Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Mayor's Report

Mayor Williams thanked the codes staff for the new code presentation as well as the response to the Sitel project.

Vice-Mayor Povlin announced that the Farragut baseball team won the state championship.

Approval of Minutes

Motion was made to approve the minutes of May 23, 2019 as presented. Moved by Alderman Pinchok, seconded by Alderman Meyer; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Business Items

Approval of Agreement with Homestead Land Holdings for construction of Virtue Road roundabout

Motion was made to approve the first amendment to the cost share agreement between the Town of Farragut and Homestead Land Holdings for Virtue Road Improvements. Moved by Alderman Pinchok, seconded by Alderman Povlin; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Bids for Contract 2019-07, Campbell Station Road & Snyder Road Intersection Improvements

Motion was made to award contract 2019-07 to Pavement Restorations, Inc. (PRI) of East Tennessee in the amount of \$144,057.95. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Bids for Contract No. 2020-06, HVAC Maintenance

Motion was made to award contract 2020-06 to Del-Air Mechanical for a 3-year contract in the amount of \$14,000 per year. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Bid for Contract No. 2020-07, Street Sweeping

Motion was made to award contract 2020-07 to Sweeping Corporation of America for a 3-year contract in the amount of \$40,897.50 for the first year. Moved by Alderman Povlin,

seconded by Alderman Pinchok; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of FY2020 Committee Appointments

Motion was made to appoint the following applicants. Moved by Alderman Povlin, seconded by Alderman Burnette; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Arts & Beautification

Gerry Gennoe

Marianne McGill

Brittany Brown

Plumbing Gas & Mechanical

Mark Lower

Board of Zoning Appeals

Keith Alley

Knox County School Liaison Committee

Alice Thornton

Ted Ansink

Museum Advisory Board

Steve Stow

Annie Judkins

Carolyn Coker

Barbara Murphy

Todd Edward Klepper

Farragut Tourism/Visitors Committee

Julie Blaylock-Retail Representative

Ashely Lynch-Attraction Representative

Wendy Robinson- At-Large

Parks & Athletics Council

Scott Russ

Yvonne Tharp

Randy Armstrong

Jeff Ullian

Kami Darakshani

Stormwater Advisory Committee

Violet Freudenberg-PE

Ed Whiting-At-Large

Marie Meszaros-At-Large

Visual Resources Review Board

Mark Layman

Cynthia Hollyfield

Jennie Stow

Randy Armstrong

Sign Committee (temporary committee)

Ron Pinchok-BMA Representative

Annette Brun-At-Large

Julie Blaylock

Betty Dick-FMPC Representative

David Freeman-VRRB Representative

Approval of Resolution R-2019-03, Fee Resolution

Motion was made to approve Resolution R-2019-03. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Approval of Amendment 2 to Emergency Contract with Whaley Construction, LLC, for Additional Repairs at Campbell Station Road

Motion was made to approve amendment 2 to agreement with Whaley Construction, LLC, for Additional Repairs at Campbell Station Road. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Ordinances

Public Hearing and Second Reading

Ordinance 19-22, Ordinance to Establish the Fiscal Year 2020 Budget for the General Fund, State Street Aid Fund, Capital Investment Fund, ADA Fund, Equipment Replacement Fund and Insurance Fund budgets of the Town of Farragut, Tennessee for the fiscal year beginning July 1, 2019 and ending June 30, 2020

Motion was made to approve Ordinance 19-22 on second and final reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; Roll Call Vote: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; motion passed.

First Reading

Ordinance 19-19, an ordinance on first reading to amend Chapter 2. Definitions, to remove reference to clustered housing units in the definition of house trailer and amending Chapter 3. Specific District Regulations, Sections XI., XII., XV., and XXVIII., to remove references, as

applicable, to group housing facilities, elderly housing, group housing, and elderly and group housing

Motion was made to approve Ordinance 19-19 on first reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; motion passed.

Ordinance 19-20, an ordinance on first reading to amend Chapter 2., Definitions, to provide for a definition for short term rental unit, bed & breakfast, permitted use, prohibited use, and to modify the definition of family; and Chapter 4., Sections IV., X., and XIV. to clarify permitted and prohibited use, prohibit short term rentals, provide regulations to address grandfathered short-term rentals, and further address the use and development of lots and parcels

Motion was made to approve Ordinance 19-20 on first reading. Jennifer Roche addressed the board with additional information on short-term rentals. Moved by Alderman Pinchok, seconded by Alderman Povlin; Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; motion passed.

Ordinance 19-21, an ordinance on first reading to amend Chapter 3., Specific District Regulations, Section VII., Open Space Residential Overlay District (OSR), Subsection E., Part 5., Maximum Lot Coverage, to revise and clarify the calculation of total building area and total lot coverage.

Motion was made to approve Ordinance 19-21 on first reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; Alderman Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; motion passed.

Citizens Forum

Jim Caldwell, 205 Long Bow, addressed the board concerning the 37934-zip code.

Town Administrator's Report

David Smoak, Town Administrator, announced the following:

- The ribbon cutting for the stage @ Founders Park is Saturday, June 15 at 5:30.
- The community center renovations will begin soon

Meeting adjourned at 8:35PM.

Ron Williams, Mayor

Allison Myers, Town Recorder

AGENDA NUMBER: V. A. MEETING DATE: June 27, 2019

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: William E. McKelvey, Public Works Director

SUBJECT: Approval of a Professional Services Agreement for construction drawings for renovations to the restroom facilities at town hall.

INTRODUCTION: The purpose of this agenda item is to consider approval of a Professional Services Agreement between the Town of Farragut and Lose Design for construction drawings for the restroom facilities at town hall.

DISCUSSION: When the Town of Farragut completed the American's with Disabilities Act (ADA) assessment of Town Hall, the consultants with Kimley Horn found the public restrooms do not meet current ADA requirements. Lose Design has already drawn up a sketch of the new design which is attached. In this contract Lose Design will provide construction documents for the demolition and renovation of the existing restrooms in three (3) phases: schematic design, design development and construction documentation. Plans will be completed and given to the Town by August 15, 2019.

Recommend awarding the Professional Services Contract to Lose Design to present us with a full set of drawings for the Town to use with the bidding of the construction project.

FINANCIAL SECTION: 312-42900-929

<u>Total Budget</u>	<u>Requested Amount</u>	<u>Contracted Amount</u>	<u>Remaining Amount</u>
\$150,000	\$25,500	\$0	\$124,500
Approved By: <u></u>			

RECOMMENDATION BY: Bud McKelvey, Public Works Director, for approval.

PROPOSED MOTION: Approval of a Professional Services Agreement with Lose Design for an amount, not to exceed \$25,500.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE / TOTAL</u>	<u>Williams</u>	<u>Povlin</u>	<u>Pinchok</u>	<u>Meyer</u>	<u>Burnette</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



June 14, 2019

Mr. William E "Bud" McKelvey, Public Works Director
Town of Farragut
11408 Municipal Center Drive
Farragut, TN 37934

RE: Town of Farragut City Hall ADA Restroom Renovation

Dear Bud

Lose Design, provider of landscape architecture, land planning, architecture, and civil engineering services, is pleased to offer its professional services for your project in Farragut, Tennessee. Services required include preparing design and construction documents for the renovation of the existing public restrooms on the first floor of the town hall building to comply with the current ADA accessibility code.

If this proposal is acceptable, please provide your authorization on the space provided on the attached signature page and return one signed copy to our office. Once the agreement is received, a fully executed contract will be forwarded for your files.

Sincerely,

LOSE DESIGN

Richard Calise
Project Manager

Attachments:
Professional Services Agreement
--Scope of Services/Fees
--Hourly Rate Schedule
--Signature Page

TOWN OF FARRAGUT

PROFESSIONAL SERVICES AGREEMENT

This Agreement is made by and between Town of Farragut ("Client") and Lose Design ("Consultant") for professional services for the assignment described as follows:

Project: City Hall Restroom ADA Renovation

Location: 11408 Municipal Center Drive, Farragut, TN 37934

Description of Project: Prepare design and construction plans for the renovation of the Town of Farragut Town Hall Public Restrooms.

I. **Professional Services.** Consultant agrees to perform the following Basic Services under this Agreement:

See Attachment A to this Agreement for a description of Basic Services.

2. **Compensation.** Client shall compensate Consultant for the Basic Services as follows: A lump sum fee of \$22,200. In addition, Client shall pay Consultant for additional services that may be requested by the Client beyond the Basic Services and reimbursable expenses up to \$3,300 in accordance with the hourly rate schedule as part of Attachment A.

3. **Schedule.** Consultant shall begin work upon notification of approval of this Agreement by the Board of Mayor and Aldermen and shall complete the work by submitting the final deliverables on or before August 15, 2019. Extenuating services such as utility information, issues with the survey, inability for the Town staff to meet deadlines, etc. may cause an approved delay to the deadline. The schedule for the various meetings and presentations as outlined in the Basic Services shall be agreed upon by the Client and Consultant before beginning work.

4. **Invoicing and Payments.** Invoices or payment requests shall be submitted to the Client no more than monthly and shall include such information, documentation or data as the Town Administrator may require including, but not limited to, the amount and breakdown of the payment requested, the period covered by the request, and the work performed during the period covered by the payment request. After review, the Town Administrator will indicate his approval of the payment request, or shall explain to Consultant, in writing, his reasons for not approving any portion or all of the request and authorize payment of the amount approved. In the event the Town Administrator does not approve any portion of a payment request, and has communicated the reasons to Consultant, Consultant will then take the necessary action to satisfy the reasons for non-approval and resubmit the payment request. Client shall endeavor to remit payment of payment requests or portions thereof which are approved by the Town Administrator within thirty (30) days of receipt by Client. From time to time approval of a payment request may require action by the Board of Mayor and Aldermen which meets on the second and fourth Thursday of most months.

5. **Time.** Consultant will perform its services in a timely manner commensurate with the exercise of due professional care which it acknowledges can be done consistent with the schedule provided for in Paragraph 3. Time for performance shall be extended as necessary for delays or suspensions due to circumstances beyond Consultant's control. If such delay or suspension extends more than six (6) months (cumulatively), Consultant's compensation shall be equitably adjusted; provided, however, such adjustment and amendment to this Agreement must be approved by the Board of Mayor and Aldermen before Client is bound.

6. **Suspension of Services.** If Client fails to pay any invoice when due or otherwise is in material breach of this Agreement, Consultant may, at its sole discretion, suspend performance of services upon five (5) days' written notice to Client. Consultant shall have no liability to Client and Client agrees to make no claim for any delay or damage as a result of such suspension, unless (i) the Town Administrator has refused to approve payment, (ii) his reasons are justified pursuant to this Agreement, and (iii) Consultant has failed to satisfy the reasons as required by Paragraph 4 hereof. Upon cure of the cause of a justified suspension, Consultant shall resume services within a reasonable time, and there shall be equitable adjustments of the project schedule and fees to reflect the effects of such suspension, if such adjustments are deemed reasonable and appropriate by the parties.

7. **Standard of Care.** Notwithstanding any other provision of this Agreement or any other document describing the services produced by Client, Consultant shall perform its services in accordance with the standard of professional care ordinarily exercised under similar circumstances by reputable members of its profession in the same locality at the time the services are provided. Beyond the foregoing and unless otherwise provided herein or in other documents produced, generated or provided by Contractor, no warranty, expressed or implied, is made or intended by Consultant. The parties further agree that Consultant is not a fiduciary of Client.

8. **Termination.** The obligation to provide further services under this Agreement may be terminated with or without cause by either party upon ten (10) days' written notice to the other party. On termination by either Client or Consultant, Client shall pay Consultant all amounts due for any services performed to the date of termination (plus all reimbursable expenses incurred) as Consultant's sole and exclusive remedy, subject to any setoffs to which the Client is entitled as a result of Consultant's failure to perform as required by this Agreement.

9. **Reuse of Documents.** All documents, including drawings, specifications, and reports, prepared by Consultant pursuant to this Agreement are instruments of professional service and shall become the property of the Client. They are not intended or represented to be suitable for reuse by Client or others for additions or modifications of the Project or on any other project. Any reuse without written consent, verification or adaption by Consultant for the specific purposes intended shall be at Client's sole risk and without liability or legal exposure to Consultant. Any such verification and adaption will entitle Consultant to further compensation at rates to be agreed upon by Client and Consultant.

10. **Access to the Site/Jobsite Safety.** Unless otherwise stated, Consultant will have access to the site for activities necessary for the performance of its services. Client agrees that Consultant shall have no responsibility for the means, methods, sequences, procedures, techniques, and scheduling of construction, as these decisions are solely the responsibility of the

contractors. Consultant further shall have no authority or duty to supervise the construction workforce and shall not be responsible for jobsite safety or for any losses or injuries that occur at the Project site.

11. **Insurance.** Prior to any access to the Project site, Consultant shall deliver to Client a certificate of insurance evidencing general liability coverage with a limit of not less than \$1,000,000 each occurrence for bodily injury, personal injury and property damage. If such insurance contains a general aggregate limit, it shall apply separately to the work/location of the Project in this Agreement or be no less than \$2,000,000. In addition, Consultant shall endeavor to secure and maintain insurance in such amounts as it deems necessary to protect itself from claims of professional negligence arising from the performance of services under this Agreement. Such insurance shall:

a. Contain or be endorsed to contain a provision that includes Client, its officials, officers, employees, and volunteers as additional insureds with respect to the general liability arising out of acts or omissions caused other than from professional services performed by or on behalf of the Consultant. The coverage shall contain no special limitations on the scope of its protection afforded to the above-listed insureds.

b. For any claims related to this Project, the Consultant insurance coverage shall be primary insurance as respects the Client, its officers, officials, employees, and volunteers. Any insurance or self-insurance programs covering the Client, its officials, officers, employees, and volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

12. **Risk Allocation.** In recognition of the relative risks, rewards, and benefits of the Project to both Client and Consultant, to the fullest extent permitted by law, the parties agree to allocate the risks such that Contractor's total liability to Client for any and all injuries, claims, losses, expenses, damages, and/or claim expenses arising out of Consultant's services under this Agreement from any cause or causes shall not exceed the amount of Consultant's fee, or One Hundred Thousand Dollars (\$100,000), or the amount of available insurance coverage Consultant has at the time of the claim, covering the risk or claim that is the basis for the injury, claim, loss, expense or damages, recovery for which is sought, whichever is greater. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.

13. **Dispute Resolution.** It is agreed that all claims, disputes, or other matters in question arising out of or related to this Agreement shall be submitted to nonbinding mediation before any legal proceedings is commenced. The parties shall equally bear the fees and expenses charged by the mediator.

14. **Opinions of Construction Cost.** Any opinion of probable construction cost prepared by Contractor represents the judgment of one or more Consultant design professionals and is supplied for general guidance of Client. Since Consultant has no control over the construction marketplace and does not use the same pricing methods used by contractors, Consultant does not guarantee the accuracy of such opinions.

15. Indemnification.

a. The Consultant shall defend, indemnify and hold harmless the Client, its officers, employees from any and all liabilities which arise against the Client, its officers, employees and agents or any third party for lawsuits, claims, demands, losses or damages, including reasonable attorney fees, to the extent caused by the negligent acts, errors, or omissions by Consultant, its employers, agents or contractors in performance of this Agreement or from the Consultant's failure to perform this Agreement using ordinary care and skill, except where such injury, damage, or loss was caused by the sole negligence of the Client, its agents or employees.

b. The Consultant shall save, indemnify and hold Client harmless and pay judgments that shall be rendered in any such actions, suits, claims or demands against Client to the extent losses and damages are caused by Consultant's negligent acts related to liability referenced above.

c. The indemnification and hold harmless provisions of this Agreement shall survive termination of the Agreement.

16. Miscellaneous.

a. The Consultant will not assign or transfer any interest in this Agreement without obtaining the prior written approval of the Client.

b. The Consultant will not enter into a subcontract for any of the services performed under this Agreement without obtaining the prior written approval of the Client.

c. The contract between the parties consists of this Agreement, its attachments, any written request for services issued by Client and any response thereto made by Consultant, including any addenda thereto. To the extent there is a conflict between the terms of any of the documents that constitute the contract between the parties, the terms that are most specific to the matter in dispute shall govern over the more general. In the event the conflicting terms cannot be characterized as specific vs. general, then the terms that provide the greater benefit to the Client and/or impose the greater obligation on the Consultant shall control.

d. This Agreement may be modified only by a written amendment or addendum that has been executed and approved by the appropriate officials shown on the signature page of this Agreement.

e. If any provision of this Agreement is determined to be unenforceable or invalid, such determination will not affect the validity of the other provisions contained in this Agreement. Failure to enforce any provision of this Agreement does not affect the rights of the parties to enforce such provision in another circumstance, nor does it affect the rights of the parties to enforce any other provision of this Agreement at any time.

f. In the event legal action is necessary to enforce the terms of the contract between the parties, the prevailing party shall be entitled to recovery of its attorney's fees, court costs, and other expenses of the legal action if awarded by verdict or arbitration award.

g. [n the performance of this contract, Consultant will exercise due professional care in endeavoring to comply with all applicable laws, ordinances, rules, regulations and orders of local, state and federal governments, including, but not limited to, the President's Executive Order No. 11246 and 11375, which prohibit discrimination in employment regarding race, color, religion, sex or national origin, Title VI of the Civil Rights Act of 1964, Copeland Anti-Kick Back Act, the Contact Work Hours and Safety Standards Act, Section 402 of the Vietnam Veterans Adjustment Act of 1974, Section 503 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, all of which are herein incorporated by reference.

h. This Agreement will be governed and construed in accordance with the laws of the state of Tennessee.

CLIENT:

Town of Farragut

By: _____

Printed
Name: _____

Title: _____

Date: _____

CONSULTANT:

By: Michael Wrye

Printed
Name: Michael Wrye

Title: Executive Vice President

Date: 6/21/19



ATTACHMENT A - SCOPE OF SERVICES/FEES

***Town of Farragut Town Hall
ADA Restroom Renovation
Farragut, Tennessee***

Project Description

Lose Design understands that Town of Farragut (Client) desires to renovate the existing public restrooms on the first floor of the city hall to comply with the current ADA accessibility code. We understand that the Client desires us to provide construction documents for the demolition and renovation of the existing restrooms in the Town of Farragut City Hall Building to three separate unisex restrooms.

Task 1 –Schematic Design

This task will consist of the following:

- Field measuring existing conditions and documentation.
- Engage MEP consultants.
- Produce preliminary drawing set to refine project scope.
- Meeting to discuss finishes and set expectations.

Task 2 –Design Development

This task will consist of the following:

- Produce drawing set based on agreed upon scope.
- Coordination & review with MEP consultants.
- Meeting with client to present finishes for approval.

Task 3 –Construction Documentation

This task will consist of the following:

- Prepare construction drawings for Bidding.
- Coordination & review with MEP consultants.
- Meeting with client to review set prior to Bidding.

Exclusions

- Professional Services other than those listed in the above Scope of Services
- Structural Engineering
- Civil Engineering
- Bid Services
- Detailed Cost Estimating Services
- Construction Administration

Client Responsibilities

- General Conditions of this Agreement
- Providing Access to the Subject Restrooms



Fees

The services described herein will be provided on a Lump Sum (LS) or hourly fee basis as follows:

<u>Description of Services</u>	<u>Fee Amount ⁽¹⁾</u>
1 – Design Services	\$22,200.00
2 – Additional Services.....	Hourly, as needed

Notes:

(1) Expense amounts are **not** included in these fees, and are inclusive of reasonable out-of-pocket expenses incurred on behalf of the client and shall include travel and subsistence, plotting and reproduction, telephone/communications, deliveries, agency fees, and mileage. Expenses shall be billed in accordance with Attachment A.

Remit Payment To:

Lose Design
Attn: Accounts Receivable
2809 Foster Avenue
Nashville, TN 37210

Questions May Be Directed to:

Tammy Boyte
Controller
tboyte@lose.design
615-767-5811



ATTACHMENT A – Hourly Rate Schedule

LOSE DESIGN

(for use with all hourly agreements and for Additional Services)

Professional Services Hourly Rate

Principal/President.....	\$240.00
Executive Vice President	\$220.00
Vice President	\$200.00
Division Director I	\$185.00
Division Director II	\$160.00
Marketing Director	\$110.00
Senior Landscape Architect, Architect, Engineer, and Planner ..	\$140.00
Certified Park & Recreation Specialist, Engineer Specialist, Project Coordinator.....	\$110.00
L A I, Architect I, Engineer I, Project Manager I	\$115.00
LA II, Architect II, Engineer II, Project Manager II	\$110.00
Land Planner I, Intern Architect I, Engineer in Training I	
BIM Specialist, GIS Specialist I, Assistant Graphic Designer I	\$95.00
Land Planner II, Intern Architect II, Engineer in Training II	
GIS Specialist II, Assistant Graphic Designer II	\$90.00
Technician I	\$80.00
Interior Designer	\$95.00
Technician II	\$75.00
Assistant Accounts Manager, Administrative Assistant I	\$60.00
Administrative Assistant II.....	\$35.00

Reimbursable Expenses

Consultants' Services	cost + 10%
Prints	cost + 10%
Postage and Shipping	cost + 10%
Mileage and Travel Expenses	cost + 10%
Copies	cost + 10%

January 1, 2019

NOTE: All the above-stated fees and expenses are to be billed monthly, and the invoices are due and payable upon receipt. Other reimbursable expenses not shown hereon will be invoiced at our cost plus 10%. These rates are current until January 1, 2020, at which time they may be adjusted by the Design Professional.



This is an Agreement made as of June 21, 2019 between Town of Farragut (herein called the CLIENT), and Lose & Associates, Inc., dba Lose Design (herein called Lose Design or the DESIGN PROFESSIONAL).

- I. Client and Lose Design, for the mutual considerations hereinafter set forth agree that the services for project number 19046, project name Town of Farragut – ADA Restroom Study, shall conform to the Scope of Services.
- II. Client agrees to pay Lose Design as compensation for its services in accordance with the Fees Section in the proposal. Fees and other charges will be invoiced monthly by Lose Design. The amount of each invoice shall be due at the time of billing.
- III. The person signing this Agreement warrants he has authority to sign as, or on behalf of, the Client. If such person does not have such authority, he agrees that he is personally liable for all breaches of this contract, and that in any action against him for breach of such warranty, a reasonable attorney's fee shall be included in any judgment rendered.
- IV. When signed by both parties, this Professional Services Agreement, including the attached Scope of Services/Fees, Terms and Conditions, and Hourly Rate Schedule attached to this document, constitutes a final written expression of all terms of this Agreement and is a complete and exclusive statement of those terms. Any and all prior representations, promises, warranties, or statements by Lose Design that differ in any way from the terms of this written Agreement shall be given no force or effect. The terms of this Agreement can be modified only in writing which must be signed by both parties.

Agreed to:

Town of Farragut
Client Name

Signer's Name (Typed or Printed)

BY: _____
Authorized Signature

Date: _____

Title: _____

Agreed to:

Lose Design
Lose & Associates, Inc., dba Lose Design

Michael Wrye
Signer's Name (Typed or Printed)

BY: Michael Wrye
Authorized Signature

Date: 6/21/19

Title: Executive Vice President

To Whom Should Invoices Be Directed:

NAME: _____

EMAIL ADDRESS: _____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 19-19, an ordinance on second reading to amend Chapter 2. Definitions, to remove reference to clustered housing units in the definition of house trailer and amending Chapter 3. Specific District Regulations, Sections XI., XII., XV., and XXVIII., to remove references, as applicable, to group housing facilities, elderly housing, group housing, and elderly and group housing

INTRODUCTION AND BACKGROUND: This item involves the deletion of obsolete terms or uses in the Farragut Zoning Ordinance and is essentially a “housekeeping” item. The affected sections include the following:

1. Chapter 2. Definitions – the term “House trailer” includes a reference to “Clustered Housing Units;”
2. Chapter 3. Specific District Regulations – Section XI. Multi-family residential district (R-6) refers to “group housing facilities” under the General Description subsection;
3. Chapter 3. Specific District Regulations – Section XII. General commercial district (C-1) includes, under the permitted uses, “17. Elderly housing as regulated in Chapter 4;”
4. Chapter 3. Specific District Regulations – Section XV. Regional commercial district (C-2) includes, under the permitted uses, “18. Group housing as regulated in Chapter 4;”
5. Chapter 3. Specific District Regulations – Section XXVIII. Open space multi-family residential overlay (OSMFR) includes, under the permitted uses, “3. Elderly and group housing as regulated in Chapter 4.”

RECOMMENDATION: At their meeting on April 18, 2019, the Planning Commission unanimously recommended approval of Ordinance 19-19. At the Board of Mayor and Aldermen meeting on June 13, 2019, Ordinance 19-19 was approved on first reading. Community Development Director, Mark Shipley, recommends approval of Ordinance 19-19 on second reading.

PROPOSED MOTION: To approve Ordinance 19-19 on second reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	19-19
PREPARED BY:	Shipley
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	April 18, 2019
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 2. DEFINITIONS, TO REMOVE REFERENCE TO CLUSTERED HOUSING UNITS IN THE DEFINITION OF HOUSE TRAILER AND AMENDING CHAPTER 3. SPECIFIC DISTRICT REGULATIONS, SECTIONS XI., XII., XV., AND XXVIII., TO REMOVE REFERENCES, AS APPLICABLE, TO GROUP HOUSING FACILITIES, ELDERLY HOUSING, GROUP HOUSING, AND ELDERLY AND GROUP HOUSING

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 2, Definitions, is amended by deleting reference to “clustered housing units” as part of the definition of “House trailer.”

SECTION 2.

The Farragut Zoning Ordinance, Chapter 3, Specific District Regulations, Section XI. Multi-family residential district (R-6) is amended by deleting reference to “group housing facilities” under the General Description subsection.

SECTION 3.

The Farragut Zoning Ordinance, Chapter 3, Specific District Regulations, Section XII. General commercial district (C-1) is amended by deleting, under the permitted uses, “17. Elderly housing as regulated in Chapter 4.”

SECTION 4.

The Farragut Zoning Ordinance, Chapter 3, Specific District Regulations, Section XV. Regional commercial district (C-2) is amended by deleting, under the permitted uses, "18. Group housing as regulated in Chapter 4."

SECTION 5.

The Farragut Zoning Ordinance, Chapter 3, Specific District Regulations, Section XXVIII. Open space multi-family residential overlay (OSMFR) is amended by deleting, under the permitted uses, "3. Elderly and group housing as regulated in Chapter 4."

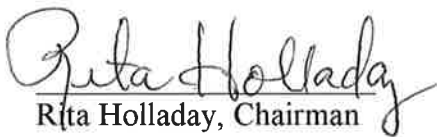
SECTION 6.

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

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2019, with approval recommended.


Rita Holladay, Chairman



Edwin K. Whiting, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

RESOLUTION PC-19-04

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION 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 2. DEFINITIONS, TO REMOVE REFERENCE TO CLUSTERED HOUSING UNITS IN THE DEFINITION OF HOUSE TRAILER AND AMENDING CHAPTER 3. SPECIFIC DISTRICT REGULATIONS, SECTIONS XI., XII., XV., AND XXVIII., TO REMOVE REFERENCES, AS APPLICABLE, TO GROUP HOUSING FACILITIES, ELDERLY HOUSING, GROUP HOUSING, AND ELDERLY AND GROUP HOUSING

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 April 18, 2019;

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 19-19.

ADOPTED this 18th day of April 2019.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

AGENDA NUMBER VII.A.2. MEETING DATE June 27, 2019

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Ordinance 19-20, an ordinance on second reading to amend Chapter 2., Definitions, to provide for a definition for short term rental unit, bed & breakfast, permitted use, prohibited use, and to modify the definition of family; and Chapter 4., Sections IV., X., and XIV. to clarify permitted and prohibited use, prohibit short term rentals, provide regulations to address grandfathered short-term rentals, and further address the use and development of lots and parcels

INTRODUCTION AND BACKGROUND: The topic of short-term rentals has been a frequent discussion item in many communities and in May of 2018 the State of Tennessee passed the Short-Term Rental Unit Act which provides guidelines and regulations surrounding the general use of short-term rentals. The Act also establishes protections for pre-existing grandfathered units.

During the Board of Mayor and Alderman's strategic planning session in January 2019, the topic of addressing short term rentals was discussed. The Board requested that staff provide policy recommendations that would prohibit the use of short-term rentals.

On March 21, 2019, staff presented an overview of short-term rentals to the Planning Commission. Some information covered included how short-term rentals are defined, grandfathering, usage and permitting considerations, and possible avenues of regulation and/or prohibition. During the discussion, Planning Commissioners expressed the desire to prohibit the use of short-term rentals and, similar to the Board of Mayor and Alderman, asked staff to pursue language that would accomplish this objective.

DISCUSSION: Included in your packets is a copy of Ordinance 19-20 which, for clarification and regulatory purposes, provides for a definition of "Short term rental unit," "Bed and breakfast," "Permitted use," and "Prohibited use." The term "Family" is also clarified to exclude a short-term rental unit.

Ordinance 19-20 provides for a prohibition of short-term rental units and refers grandfathered units to the applicable provisions of State law. The Ordinance also clarifies how permitted uses are applied.

RECOMMENDATION: At their meeting on May 18, 2019, the Planning Commission unanimously recommended approval of Ordinance 19-20. At the Board of Mayor and Aldermen meeting on June 13, 2019, Ordinance 19-20 was approved on first reading. Community Development Director, Mark Shipley, recommends approval of Ordinance 19-20 on second reading.

PROPOSED MOTION: To approve Ordinance 19-20 on second reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____

ORDINANCE:	19-20
PREPARED BY:	Vermilyea
REQUESTED BY:	Board of Mayor and Alderman
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 2., DEFINITIONS, TO PROVIDE FOR A DEFINITION FOR SHORT TERM RENTAL UNIT, BED & BREAKFAST, PERMITTED USE, PROHIBITED USE, AND TO MODIFY THE DEFINITION OF FAMILY; AND CHAPTER 4., SECTIONS IV. X., AND XIV. TO CLARIFY PERMITTED AND PROHIBITED USE, PROHIBIT SHORT TERM RENTALS, PROVIDE REGULATIONS TO ADDRESS GRANDFATHERED SHORT TERM RENTALS, AND FURTHER ADDRESS THE USE AND DEVELOPMENT OF LOTS AND PARCELS.

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 2., Definitions; Chapter 4., Section IV., Measurements of Setbacks, Open Space, Visibility Triangle, Use of Lots and Access Points; Chapter 4., Section X., Reserved; and Chapter 4., Section XIV., Lots or Parcels.

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 2., Definitions, is amended by inserting “Short-term rental unit,” “Bed & Breakfast,” “Permitted Use,” and “Prohibited Use” and defining them as follows:

Short Term Rental Unit: A residential dwelling unit that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel (as defined in T.C.A 68-14-302 or this Ordinance) or a bed and breakfast establishment or a bed and breakfast homestay (as defined in T.C.A 68-14-502).

Bed and breakfast: a private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and having less than four (4) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

Permitted Use: A use listed and expressly allowed in a given zoning district and subject to the restrictions applicable to that zoning district.

Prohibited Use: A use that is not expressly permitted in a given zoning district.

SECTION 2.

The Farragut Zoning Ordinance, Chapter 2., Definitions, is amended by altering the definition of “Family” to read as follows:

Family: One or more persons occupying the same dwelling unit. A family shall be deemed to include domestic servants employed by said family. This definition shall not be deemed applicable to those persons occupying a boarding house, hotel, motel, club, rooming house, nursing home, and short term rental unit.

SECTION 3.

The Farragut Zoning Ordinance, Chapter 4., Section X., Reserved, is amended by altering the title from “Reserved” to “Short Term Rental Units”, and inserting the following provisions:

- A. Except as provided for in part B below, and in accordance with T.C.A. 13-7-601 thru 606, short term rental units, as defined in Chapter 2 of this Ordinance, shall be prohibited in all zoning districts within the Town.
- B. Short term rentals recognized by the Town as legally operating prior to May 17, 2018 or the initial adoption of these requirements (Section X., Short Term Rentals) shall be afforded the protections of and be subject to the provisions of T.C.A 13-7-603(a).

SECTION 4.

The Farragut Zoning Ordinance, Chapter 4., Section IV., Measurements of Setbacks, Open Space, Use of Lots, Access Points and Visibility Triangle, is amended by adding “Permitted Uses and Zoning” to the title and inserting the following as a new subsection:

- E. Zoning affects every lot, building, structure, and use. No building or structure shall be erected or altered, or shall any lot, building, structure, or premises be used for any purposes, other than a use expressly permitted in the district in which such lot, building, structure, or premises is located. No lot, building, structure, or premises shall be used so as to produce greater heights, smaller yards, less unoccupied area, or in any other manner contrary to the provisions of this ordinance.

SECTION 5.

The Farragut Zoning Ordinance, Chapter 4., Section XIV., Lots or Parcels, is amended by inserting the following as a new subsection:

- E. No lot which is now or may in the future be built upon, shall be reduced in area so that the yards and other open spaces will be smaller than prescribed by this ordinance; and except as otherwise provided for by this ordinance no yard, court, or open space provided about any building for the purpose of complying with the provisions of this ordinance, shall be used as a yard, court, or other open space for any other building.

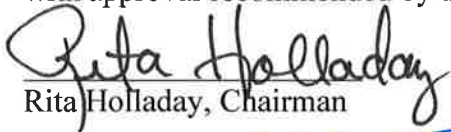
SECTION 6.

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

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2019, with approval recommended by the Farragut Municipal Planning Commission (FMPC).


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

RESOLUTION PC-19-05

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION 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 2., DEFINITIONS, TO PROVIDE FOR A DEFINITION FOR SHORT TERM RENTAL UNIT, BED & BREAKFAST, PERMITTED USE, PROHIBITED USE, AND TO MODIFY THE DEFINITION OF FAMILY; AND CHAPTER 4., SECTIONS IV. X., AND XIV. TO CLARIFY PERMITTED AND PROHIBITED USE, PROHIBIT SHORT TERM RENTALS, PROVIDE REGULATIONS TO ADDRESS GRANDFATHERED SHORT TERM RENTALS, AND FURTHER ADDRESS THE USE AND DEVELOPMENT OF LOTS AND PARCELS.

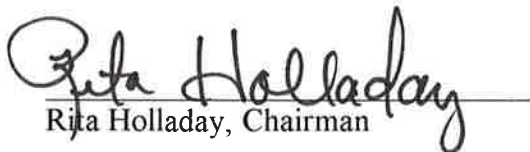
WHEREAS, the Tennessee Code Annotated, Section 13-4-201 et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

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 May 16, 2019;

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 19-20.

ADOPTED this 16th day of May 2019.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary

AGENDA NUMBER V1.A.3.

MEETING DATE

June 27, 2019

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Bart Hose, Assistant Community Development Director and Mark Shipley, Community Development Director

SUBJECT: Ordinance 19-21, an ordinance on second reading to amend Chapter 3., Specific District Regulations, Section VII., Open Space Residential Overlay District (OSR), Subsection E., Part 5., Maximum Lot Coverage, to revise and clarify the calculation of total building area and total lot coverage.

INTRODUCTION: This item involves proposed changes to the “maximum lot coverage” provisions in the Open Space Residential Overlay (OSR) district. The proposed changes stem from a matter that recently came before the Board of Zoning Appeals and the interpretation of the formulas used to determine maximum building coverage (i.e. the area of a lot covered with roofed structures) and total lot coverage (i.e. that portion of a lot that is covered by any nonvegetative surface).

DISCUSSION: Specifically, the issue revolved around the use and interpretation of the term “total number of dwelling units in the development” in the formulas as noted below.

- a. Total building area for each dwelling unit equals 75 percent of the gross land area multiplied by the maximum building coverage established in the base zone divided by the **total number of dwelling units in the development**.
- b. Total lot coverage for each dwelling unit equals 75 percent of the gross land area multiplied by the maximum lot coverage established in the base zone divided by the **total number of dwelling units in the development**.

The intent here is to base each individual lot’s coverage area on the overall size of the development and the total number of planned building lots in the development. Unfortunately, the current language can apparently be misconstrued and applied to mean only those dwelling units in existence at the time a building permit is filed. This interpretation results in a situation where the first homes (lots) built in a subdivision can claim a larger share of the total permitted coverage areas planned for the development as a whole.

Ordinance 19-21 addresses this issue by eliminating the use of the term “total number of dwelling units in the development” in the coverage formulas. As proposed, the new formulas will now refer to **“all planned and approved/platted lots within the entire development”**.

The proposed amendment also attempts to further clarify the formula and the process involved in calculating both the maximum building coverage and maximum total coverage for individual lots within an OSR district development. Finally, the amendments provide additional flexibility with respect to the allocation of coverage areas between planned lots, and direction for dealing with situations where existing lots are combined and replatted.

The following is an example of how the maximum building and maximum total lot coverage calculations would work for a 200-lot subdivision on a 100-acre development site in the R-1/OSR district. The maximum building and total lot coverage values in the base R-1 zone are 25% and 35%, respectively. The example assumes equal apportionment of coverage areas between all lots.

Step 1. Calculate the total building coverage area and total lot coverage area for the entire development site area.

75 acres (75% of gross 100 ac. site area) x .25 (max building coverage in R-1 base zone) = 18.75 acres of total development building coverage area allowed.

75 acres (75% of gross 100 ac. site area) x .35 (max lot coverage in R-1 base zone) = 26.25 acres of total development lot coverage area allowed.

Step 2. Determine and allocate the maximum building and maximum total lot coverages for each planned lot based on the development area totals calculated in step 1.

18.75 acres of total development building coverage area divided by a total of 200 planned house/building lots = .094 acres (4,094 square feet) of maximum building coverage on each lot within the development.

26.25 acres of total development lot coverage area divided by a total of 200 planned house/building lots = .131 acres (5,706 square feet) of maximum total lot coverage on each lot within the development.

Future Replat Scenario. If two of the lots in the above example were later replatted and combined under the 50% increase rule (see part d of the proposed ordinance), the new larger lot would see its maximum building coverage increase to .141 acres or 6,141 square feet, and its maximum total lot coverage increase to .197 acres or 8,559 square feet.

RECOMMENDATION: At their meeting on May 18, 2019, the Planning Commission unanimously recommended approval of Ordinance 19-21. At the Board of Mayor and Aldermen meeting on June 13, 2019, Ordinance 19-21 was approved on first reading. Community Development Director, Mark Shipley, recommends approval of Ordinance 19-21 on second reading.

PROPOSED MOTION: To approve Ordinance 19-21 on second reading.

BOARD ACTION:

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

<u>VOTE/TOTAL</u>	<u>WILLIAMS</u>	<u>MEYER</u>	<u>PINCHOK</u>	<u>POVLIN</u>	<u>BURNETTE</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

ORDINANCE:	19-21
PREPARED BY:	Hose
REQUESTED BY:	Staff
CERTIFIED BY FMPC:	May 16, 2019
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 VII., OPEN SPACE RESIDENTIAL OVERLAY DISTRICT (OSR), SUBSECTION E., PART 5., MAXIMUM LOT COVERAGE, TO REVISE AND CLARIFY THE CALCULATION OF TOTAL BUILDING AREA AND TOTAL LOT COVERAGE.

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., Section VII., Open Space Residential Overlay District, Subsection E., Area Regulations, Part 5., Maximum Lot Coverage, is amended by deleting it in its entirety and replacing it with the following:

- 5. Maximum lot coverages. The maximum building and total lot coverage values for all house/building lots shall be based on the approved plan/plat for the entire development area/tract, including all phases where applicable. All building and lot coverage values shall be calculated and platted as follows:
 - a. The total building coverage and total lot coverage area values shall first be calculated for the entire development area/tract as follows:

Total development building coverage area allowed	=	75 percent of the entire development's gross land area multiplied by the maximum lot (total building) coverage percentage established in the base zone (see Rural Residential R-1 district)
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Total development lot coverage area allowed = 75 percent of the development's gross land area multiplied by the maximum lot (total lot) coverage percentage established in the base zone (see Rural Residential R-1 district)

These values shall be included and shown on all approved plans/plats.

- b. The maximum building coverage and maximum total lot coverage area value for each individual lot within the development shall then be determined and allocated as follows:

The total building and lot coverage area allocations for the entire development area (see calculation from part a, above) shall be divided and apportioned between all planned and approved/platted lots within the entire development.

The developer may choose to divide and apportion these coverage areas equally between all such lots (e.g. total development building and lot coverage areas divided by total number of lots = individual lot coverage areas), or unequally (variably) between all such lots to account for differing lot design and size characteristics.

- c. The apportioned total building coverage area and total lot coverage area value for each lot within the entire development shall be included and identified as a development restriction on all approved plans and plats. Where the developer chooses to divide and apportion the development's total coverage areas on an unequal (variable) lot basis, a table shall be provided documenting that the coverage areas allocated to each lot (in total) do not exceed the applicable total area values for the development as a whole.

In the case of a phased development, the total building coverage and total lot coverage areas for the entire development shall first be divided and apportioned by phase and then by all planned and approved/platted lots within each phase. All phase and individual lot coverage allocation values shall be included and identified as development restrictions on all approved plans and plats.

- d. Where existing lots of record are combined and replatted, the planning commission may permit the reallocation of their respective building and lot coverages. In such cases, the permitted coverage area values of the new larger lot(s) shall not be increased more than 50% above those of any of the affected (original) lots. All new building and lot coverage calculations and values shall be included on the plat of record.

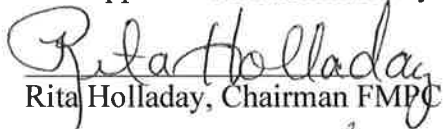
SECTION 2.

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

Ron Williams, Mayor

Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this ____ day of _____, 2019,
with approval recommended by the Farragut Municipal Planning Commission (FMPC).


Rita Holladay, Chairman FMPC


Edwin K. Whiting, Secretary FMPC

RESOLUTION PC-19-06

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 3., SPECIFIC DISTRICT REGULATIONS, SECECTION VII., OPEN SPACE RESIDENTIAL OVERLAY DISTRICT (OSR), SUBSECTION E., PART 5., MAXIMUM LOT COVERAGE, TO REVISE AND CLARIFY THE CALCULATION OF TOTAL BUILDING AREA AND TOTAL LOT COVERAGE.

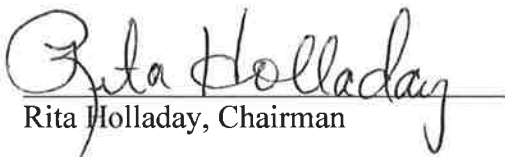
WHEREAS, the Tennessee Code Annotated, Section 13-4-201et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

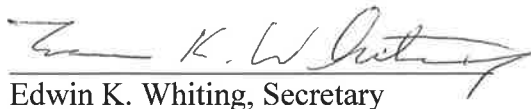
WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on May 16th, 2019;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of Ordinance 19-21; an ordinance amending the Farragut Zoning Ordinance, Ordinance 86-16, by revising and clarifying the calculation of the total building area and total lot coverage standards in the OSR district.

ADOPTED this 16th day of May, 2019.


Rita Holladay, Chairman


Edwin K. Whiting, Secretary