



**FARRAGUT BOARD OF MAYOR AND ALDERMEN**  
**Farragut Town Hall**  
**11408 Municipal Center Drive**

**AGENDA**  
**March 24, 2022**

**BMA FY23 BUDGET WORKSHOP**  
**5:00 PM**

**CIP, Equipment, State Street Aid, ADA & Other Funds**

**BEER BOARD MEETING**  
**5:55 PM**  
**(See Beer Board Agenda)**

**BMA MEETING**  
**6:00 PM**

- I. Roll Call**
- II. Approval of Agenda**
- III. Approval of Minutes**
  - A. March 10, 2022
- IV. Mayor's Report**
- V. Ordinances**
  - A. Public Hearing & Second Reading**
    - 1. **Ordinance 22-02**, an ordinance to amend the Farragut Municipal Code to create Appendix F, the Public Tree Care Ordinance (Town of Farragut, Applicant)
    - 2. **Ordinance 22-03**, an ordinance to amend the Farragut Municipal Code, Appendix A – Zoning, Chapter 3., Section XII., General Commercial (C-1), Subsection F., 9. Height Regulations, to provide for a concept plan review when a building more than two stories in height is proposed (Town of Farragut, Applicant)

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**11408 MUNICIPAL CENTER DRIVE | FARRAGUT, TN 37934 | 865.966.7057 |**  
**WWW.TOWNOFFARRAGUT.ORG**

*It is the policy of the Town of Farragut not to discriminate on the basis of race, color, natural origin, gender, gender identity, sexual orientation, age, religion, disability or veteran status 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*

3. **Ordinance 22-04**, an ordinance to amend the Farragut Municipal Code, Appendix A – Zoning, Chapter 3, Section XIII., Neighborhood/Convenience Commercial (NCC), to remove apartment buildings as a residential use and require a concept plan in association with a rezoning request to NCC (Town of Farragut, Applicant)
4. **Ordinance 22-05**, an ordinance to amend the Farragut Municipal Code, Appendix A – Zoning, Chapter 3, Section XXVI., Planned Commercial Development (PCD), to clarify that uses permitted in the General Commercial or Office zoning districts “may” rather than “shall” be permitted as part of a development plan submitted for a rezoning request to PCD (Town of Farragut, Applicant)

**VI. Business Items**

- A. Approval of Childcare Business Use of the Splash Pad at McFee Park
- B. Approval of Professional Services Agreement with Urban Engineering, Inc. for Design of Additional Tennis Courts at McFee Park

**VII. Town Administrator’s Report**

**VIII. Town Attorney’s Report**

**IX. Citizens Forum**

**This meeting can be viewed live on the Farragut YouTube Channel and the Town of Farragut website [www.townoffarragut.org/livestream](http://www.townoffarragut.org/livestream).**

**The meeting will be held at the Farragut Town Hall, 11408 Municipal Center Drive**

**The Board of Mayor and Aldermen welcomes and invites Farragut residents to participate in public meetings.**

At the end of each business 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 Recorder 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;
2. Any Farragut resident 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 Recorder or a staff member;

3. Speakers shall come to the podium and identify themselves by name and street address;
4. Public comment shall be limited to five (5) minutes per individual. Time for public comment may be amended at the discretion of the Mayor. Time is not transferable to other speakers;
5. Speakers should strive to avoid redundancy; each speaker should have their own original viewpoint;
6. Comments shall address issues, not individuals or personalities;
7. Comments may support or oppose 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.

Each speaker will be asked if they can agree to abide by the Comment Protocol. If so, please be prepared to speak when your name is called.





## **FARRAGUT BEER BOARD**

March 24, 2022

5:55 PM

**I. Approval of Minutes**

A. March 3, 2022

**II. Beer Permit Request**

A. Approval of Class 6, special occasion beer permit for Farragut Business Alliance "What's Out West-Pop-up Business Expo" April 20, 2022

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## **FARRAGUT BEER BOARD MINUTES**

**March 3, 2022**

Alderman Pinchok, Chairman called the meeting to order at 5:55 PM. Member present; Mayor Williams, Alderman Burnette, Alderman Meyer, Alderman Pinchok and Alderman Povlin.

### **Approval of Minutes**

Motion was made to approve the minutes of February 10, 2022, as presented. Moved by Alderman Povlin, seconded by Mayor Williams; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

### **Beer Permit Request**

#### **Approval of Class 6, special occasion beer permit for the St. John Neumann Catholic Church “Off to the Races” Derby Auction Event**

Motion was made to approve the Special Occasion Beer Permit for the St. John Neumann Catholic Church “Off to the Races” Derby Auction Event. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes, Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

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Ron Pinchok, Chairman

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Allison Myers, Town Recorder

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## REPORT TO THE BEER BOARD

**PREPARED BY:** Allison Myers, Town Recorder

**SUBJECT:** Approval of a special occasion beer permit for the Farragut Business Alliance "What's Out West-A Pop-up Business Exp", April 20, 2022

### DISCUSSION:

The Farragut Business Alliance and Farragut/West Knox Chamber are planning a business expo 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 Wednesday, April 20, 2022. If the event date changes, the approval of this special event permit is valid until December 31, 2022. The FBA is also requesting the \$100 application fee be waived.

### 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 "What's Out West-A Pop-up Business Exp", April 20, 2022.

### 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) Farragut Business Alliance  
Stephen F. Kremasky, Ex. Dir.
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:  
PO BOX 23583 FARRAGUT, TN 37933
7. Date of Birth \_\_\_\_\_ Home Telephone Number 865-307-2486  
Business Telephone Number 865-307-2486 Social Security Number \_\_\_\_\_
8. Representative Email Address: steve@farragutbusiness.com
9. Under what name will the business operate? FBA aka Shop Farragut
10. Business address 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:

White Realty, c/o Davis Overton P.O. 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: What's Out West - A Pop Up Business EXPO

Location of the special occasion event: 11437 Kingston Pike (old Stein Mart Bldg)

Event Date & Times: Wednesday April 20, 2022 3-7pm

Representative name & phone number: Stephen F. Krempasky

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

19. Tennessee Sales Tax Number: \_\_\_\_\_

20. Town of Farragut Business License Number \_\_\_\_\_

## **BMA MEETING MINUTES March 10, 2022**

### **Roll Call**

Mayor Williams called the meeting to order at 6:00 PM. Roll Call for attendance: Alderman Burnette, yes; Alderman Meyer, yes; Alderman Povlin, yes; Alderman Pinchok, yes; Mayor Williams, yes; in addition to staff and members of the press.

### **Approval of Agenda**

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

### **Approval of Minutes**

Motion was made to approve the minutes of February 10, 2022, as presented. Moved by Alderman Pinchok, seconded by Alderman Povlin; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

Motion was made to approve the minutes of the March 3, 2022, Special Called Workshop, as presented. Moved by Alderman Pinchok, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

### **Mayor's Report**

Mayor Williams announced upcoming events.

### **Ordinances**

#### **First Reading**

**Ordinance 22-02**, an ordinance to amend the Farragut Municipal Code to create Appendix F, the Public Tree Care Ordinance (Town of Farragut, Applicant)

Motion was made to approve Ordinance 22-02 on first reading. Moved by Alderman Povlin, seconded by Alderman Pinchok; roll call vote; Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; motion passed.

**Ordinance 22-03**, an ordinance to amend the Farragut Municipal Code, Appendix A – Zoning, Chapter 3., Section XII., General Commercial (C-1), Subsection F., 9. Height Regulations, to provide for a concept plan review when a building more than two stories in height is proposed (Town of Farragut, Applicant)

Motion was made to approve Ordinance 22-03 on first reading. Moved by Alderman Povlin, seconded by Alderman Meyer; roll call vote; Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; motion passed.

**Ordinance 22-04**, an ordinance to amend the Farragut Municipal Code, Appendix A – Zoning, Chapter 3, Section XIII., Neighborhood/Convenience Commercial (NCC), to remove apartment buildings as a residential use and require a concept plan in association with a rezoning request to NCC (Town of Farragut, Applicant)

Motion was made to approve Ordinance 22-04 on first reading. Moved by Alderman Povlin, seconded by Alderman Meyer; roll call vote; Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; motion passed.

**Ordinance 22-05**, an ordinance to amend the Farragut Municipal Code, Appendix A – Zoning, Chapter 3, Section XXVI., Planned Commercial Development (PCD), to clarify that uses permitted in the General Commercial or Office zoning districts “may” rather than “shall” be permitted as part of a development plan submitted for a rezoning request to PCD (Town of Farragut, Applicant)

Motion was made to approve Ordinance 22-05 on first reading. Moved by Alderman Povlin, seconded by Alderman Meyer.  
Michael Wilson, 412 Eisenhower and Sean Murphy, 716 Bridgeport Drive addressed the board with questions. Roll call vote; Aldermen Burnette, yes; Alderman Meyer, yes; Alderman Pinchok, yes; Alderman Povlin, yes; Mayor Williams, yes; no nays; motion passed.

## **Business Items**

### **Approval of 2022 Forget Me Not 5K**

Motion was made to approve the 2022 Forget Me Not 5K. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

### **Approval of Contract with Cope Architecture for Town Hall design services**

Motion was made to approve the Contract with Cope Architecture for Town Hall design services in the amount of \$90,200. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

### **Approval of Resolution R-2022-02, Resolution Adopting the Town of Farragut’s 2022-2023 Strategic Plan**

Motion was made to approve Resolution R-2022-02, Resolution Adopting the Town of Farragut’s 2022-2023 Strategic Plan. Moved by Alderman Pinchok, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

**Approval of Resolution R-2022-03, Resolution Declaring Certain Town Property to be Surplus Property**

Motion was made to approve Resolution R-2022-03, Resolution Declaring Certain Town Property to be Surplus Property. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

**Approval of Resolution R-2022-04, Resolution to Support Restoring the Historic Revenue Sharing Relationship Between the State of Tennessee and Its Local Governments and to Return the Local Share of the Single Article Cap to Local Governments**

Motion was made to approve R-2022-04, Resolution to Support Restoring the Historic Revenue Sharing Relationship Between the State of Tennessee and Its Local Governments and to Return the Local Share of the Single Article Cap to Local Governments. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

**Approval of Professional Services Agreement with Civil and Environmental Consultants, Inc. to Provide Town-wide Stormwater Infrastructure Assessment.**

Motion was made to approve the Professional Services Agreement with Civil and Environmental Consultants, Inc. in the amount of \$1,032,000. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

**Approval of Professional Services Agreement with Civil and Environmental Consultants, Inc. for Development of FY22 Stormwater Repairs Project.**

Motion was made to approve the Professional Services Agreement with Civil and Environmental Consultants, Inc. for Development of FY22 Stormwater Repairs Project in the amount of \$17,000. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

**Approval of an amendment to option and lease agreement for property at 519 Virtue Road, STC TWO LLC, applicant, successor by assignment to SprintCom, Inc, c/o Crown Castle USA Inc.**

Motion was made to approve an amendment to option and lease agreement for property at 519 Virtue Road, STC TWO LLC, applicant, successor by assignment to SprintCom, Inc, c/o Crown Castle USA Inc. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

**Approval of Fire Services Agreement with Rural Metro of Tennessee**

Motion was made to approve Fire Services Agreement with Rural Metro of Tennessee. Moved by Alderman Povlin, seconded by Alderman Pinchok; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

**Approval of Fire Prevention and Public Fire Education Services Agreement with Rural Metro of Tennessee**

Motion was made to approve Fire Prevention and Public Fire Education Services Agreement with Rural Metro of Tennessee. Moved by Alderman Meyer, seconded by Alderman Povlin; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

**Approval of a request to approve an access and associated variance from the distance between driveways requirement for collector streets, as provided for in the Driveways and Other Accessways Ordinance, for a proposed residential driveway at 408 Herron Road (Testerman Restoration, Applicant)**

Motion was made to approve a request to approve an access and associated variance from the distance between driveways requirement for collector streets, as provided for in the Driveways and Other Accessways Ordinance, for a proposed residential driveway at 408 Herron Road. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

**Approval of Memorandum of Agreement between the Town of Farragut and the Town Administrator**

Motion was made to approve a Memorandum of Agreement between the Town of Farragut and the Town Administrator. Moved by Alderman Povlin, seconded by Alderman Meyer; voting yes; Mayor Williams, Aldermen Burnette, Meyer, Pinchok and Povlin; no nays; motion passed.

**Town Administrator's Report**

David Smoak, Town Administrator, announced that the small cell bill was approved today in the House

Meeting adjourned at 7:40 PM.

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Ron Williams, Mayor

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Allison Myers, Town Recorder

**REPORT TO THE BOARD OF MAYOR AND ALDERMEN**

**PREPARED BY:** Mark Shipley, Community Development Director

**SUBJECT:** Approval of Ordinance 22-02 on second reading, an ordinance to amend the Farragut Municipal Code to create Appendix F, the Public Tree Care Ordinance (Town of Farragut, Applicant)

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**INTRODUCTION AND BACKGROUND:** During discussion with the Planning Commission, staff noted this item involves the development of a Public Tree Care Ordinance that is associated with the Town pursuing a Tree City USA recognition. There are four components of Tree City USA that a qualifying community must demonstrate as part of an application for consideration. Those components include the following:

1. The establishment of a tree board.
2. The development of a tree care ordinance.
3. A demonstration that the Town has a community forestry program with an annual budget of at least \$2 per capita.
4. An Arbor Day proclamation and observance.

**DISCUSSION:** As the Town has grown and significantly increased its tree cover on public properties, it has become apparent that the Town should consider a Tree City USA recognition. During the past few months, the Public Works Director has evaluated tree related expenditures for the Town and determined that the \$2 per capita should easily be achieved. The other components are more administrative in nature.

The Public Tree Care Ordinance that is reflected in Ordinance 22-02 would not only fulfill the ordinance requirement listed above but would also establish the Town's tree board and their responsibility of helping to facilitate the Arbor Day proclamation and observance. The Public Tree Care Ordinance includes the following sections:

1. Purpose and Intent
2. Definitions
3. Tree Board
4. Tree Planting Parameters for Public Properties

Unlike the landscaping requirements in the Zoning Ordinance and that are largely administered through the Visual Resources Review Board and involve private property, the Public Tree Care Ordinance is focused on trees that are situated on public property. Consequently, much of the Tree Board is proposed to include Town staff that are heavily involved with the selection and management of trees on public properties. In the development of the Public Tree Care Ordinance, staff has followed the general format suggested by the Arbor Day Foundation. Staff has also looked at what other communities do with their tree care ordinances and who is often included on tree boards. Both the Parks and Recreation and Public Works Directors have reviewed the draft Public Tree Care Ordinance and agree with its provisions. Since public properties includes rights of ways that often have utilities, staff is proposing that a utility representative be a member of the Tree Board. This would aid in public tree care selection and maintenance and lessen utility related conflicts in the future that could adversely affect public trees.

**RECOMMENDATION:** At their meeting on February 17, 2022, the Planning Commission unanimously recommended approval of Ordinance 22-02. Community Development Director, Mark Shipley, also recommends approval of Ordinance 22-02 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           | _____           | _____        | _____          | _____         | _____           |

**RESOLUTION 22-02**

**FARRAGUT MUNICIPAL PLANNING COMMISSION**

**A RESOLUTION TO APPROVE AN AMENDMENT TO THE FARRAGUT MUNICIPAL CODE TO ADOPT THE PUBLIC TREE CARE ORDINANCE PURSUANT TO AUTHORITY GRANTED BY SECTION 6-2-201, TENNESSEE CODE ANNOTATED**

**WHEREAS**, the Tennessee Code Annotated, Section 6-2-201, provides that municipalities may create and adopt general guidelines to promote the public health, safety, and general welfare within the municipality; and

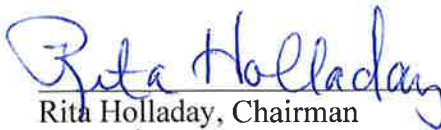
**WHEREAS**, the Farragut Municipal Planning Commission shall be responsible for the review and approval of new utilities in accordance with Section 13-4-104, Tennessee Code Annotated; and

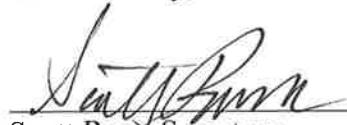
**WHEREAS**, the Town of Farragut has wishes to promote reasonable and consistent parameters for new vertical utilities proposed within the municipality; and

**WHEREAS**, a public hearing was held on this request on February 17, 2022;

**NOW, THEREFORE, BE IT RESOLVED** that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of Ordinance 22-02, an ordinance to amend the Farragut Municipal Code to create Appendix F, the Public Tree Care Ordinance.

**ADOPTED** this 17<sup>st</sup> day of February 2022.

  
Rita Holladay, Chairman

  
Scott Russ, Secretary

**ORDINANCE:**  
**PREPARED BY:**  
**REQUESTED BY:**  
**1ST READING:**  
**2ND READING:**  
**PUBLISHED IN:**  
**DATE:**

**22-02**  
**Shipley**  
**Staff**

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**AN ORDINANCE TO AMEND THE FARRAGUT MUNICIPAL CODE, TO CREATE APPENDIX F, THE PUBLIC TREE CARE ORDINANCE**

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend the Farragut Municipal Code, by creating Appendix F, the Public Tree Care Ordinance.

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

**SECTION 1.**

The Farragut Municipal Code, is amended by adding the following as Appendix F:

**APPENDIX F – PUBLIC TREE CARE ORDINANCE**

- A. Purpose and Intent. In recognition of the numerous benefits that trees provide to the Town of Farragut, this ordinance is intended to establish parameters for public tree care. This includes the creation of a Tree Board that will help to provide guidance on the selection, planting, maintenance, and removal of trees located on public property or publicly maintained property, as well as other duties described herein.
- B. Definitions. The following definitions are provided to clarify how certain terms are to be applied in relation to this Ordinance.

Canopy Tree: An evergreen or deciduous tree whose mature height is commonly expected to exceed 30 feet and is commonly expected to have a crown spread of 30 feet or more.

Pruning: The selective removal of branches from a tree to improve the tree's structure, and direct new, healthy growth.

Public Tree: A tree growing on land owned by the Town of Farragut. This would also include trees situated within walking trail easements that are maintained by the Town of Farragut.

Street Tree: A tree situated within a public street right of way with a non-invasive root system and a canopy width that does not generally exceed 25 feet at maturity. Street trees shall have a single straight trunk and ideally be vase-shaped or otherwise lend themselves to proper pruning as they mature.

Topping: Inappropriate pruning technique to reduce tree size. Cutting back a tree to a predetermined crown limit, often at internodes.

- Utility: An organization that maintains the infrastructure for a set of services consumed by the public: electricity, lighting, natural gas, water, sewer, telecommunications, or similar associated services.
- Utility Tree: A tree which may be appropriate near an underground or overhead utility. Such trees shall have small or non-invasive root systems and not generally exceed a height of more than 20 feet at maturity.

C. Tree Board. There is hereby created a Tree Board for the Town of Farragut.

1. Membership. Since this Ordinance addresses trees on public properties, the Tree Board shall consist of seven (7) members that are familiar with tree related issues involving public property with a representative provided from the following:
  - a. Town of Farragut Engineering
  - b. Town of Farragut Public Works
  - c. Town of Farragut Parks and Recreation
  - d. Town of Farragut Planning
  - e. Utility Representative
  - f. Board of Mayor and Alderman or Planning Commission Representative
  - g. Member at Large with Background in Tree Care who is a Citizen of the Town
2. Appointment. Members shall be appointed by the Board of Mayor and Aldermen.
3. Term of Office. Members shall serve on an annual basis and may be re-appointed by the Board of Mayor and Aldermen for successive terms. Vacancies are filled by the Board of Mayor and Aldermen.
4. Operation. The Tree Board shall choose its own officers, make its own administrative rules and regulations, and keep a record of its proceedings. Meetings may be held quarterly, or more often if called by the chairman of the Board. A majority of the members shall constitute a quorum for transaction of business.
5. Duties and Responsibilities. The duties of the Tree Board shall include, but not be limited to the following:
  - a. Adopt administrative rules and regulations that apply to the Tree Board.
  - b. Assist staff, when needed, to help administer the provisions of this Ordinance, including providing input on selection, placement, installation, and maintenance of trees proposed or envisioned on public property (particularly in relation to road improvement, park, and streetscaping plans or projects).
  - c. Assist with recognizing Arbor Day.
  - d. Coordinate recognition of individuals, projects, donations, etc., that have notably contributed to the provision or maintenance of trees on public property.
  - e. Assist in developing and updating the Town's Street Tree list.
  - f. Provide input on ordinance amendments that may relate to or affect trees on public property.
  - g. Consult with arborists, foresters, and others with specific expertise in the subject area when performing their duties and responsibilities. Any compensation or contracts for services performed by such experts or professionals shall be approved by the appropriate Town authority.

#### D. Tree Planting Parameters for Public Properties

1. Size. The size of trees at the time of planting on public properties shall generally be as follows:
  - a. At least two inches in caliper for single stem deciduous trees.
  - b. At least six feet in height for evergreen trees.
  - c. At least eight feet in height for multi-stem trees.

Variations to size may be considered for trees that are donated or where a smaller tree would be acceptable due to context, plant availability, or other factors that are site or market specific.

2. Quality Specifications. All trees to be planted on public properties shall be specified as following the American Standard for Nursery Stock, ANSI Z60.1, latest edition.
3. Tree Spacing. In general, the following spacing shall be applied to trees planted on public property:
  - a. Canopy Trees. Canopy trees shall be planted at least 30 feet apart and are intended for open spaces where interference with above or below grade improvements is minimal. Canopy trees may be appropriate for parks, open spaces, aquatic buffer areas, and along greenways that are not parallel to a street right of way. Canopy trees generally shall not be planted within the public right of way, unless it is a median that is at least 10 feet in width and has no known utility conflicts. Where planted along a greenway, canopy trees shall generally be at least seven feet from the edge of the trail.
  - b. Street Trees. Due to their narrower or vase-shaped canopy, street trees may be planted as close as 25 feet apart, depending on desired effect. Where street trees are planted within the grass strip between street edge/curb and edge of pedestrian facility, such trees shall generally be centered in the grass strip with the objective of being approximately three feet from street edge/curb and edge of pedestrian facility. Street trees shall not be planted in grass strips less than six feet in width. Where street trees are planted along streets without pedestrian facilities, such trees shall be placed, where possible, at least five feet from street edge/curb. In all cases, coordination shall be made regarding utilities and the potential for roadway modifications in the future. Street trees shall be planted no closer to than 10 feet to a fire hydrant, utility pole, or streetlight.
  - c. Utility Trees. Due to their smaller form, utility trees may be planted as close as 20 feet apart, depending on the species selected and desired objective(s). Utility trees shall generally be the only type of tree planted on public properties where tree cover is desired but there are known overhead or underground utilities that may otherwise create a conflict. In addition, such trees should be specified in areas where utility modifications are unlikely and utility depths for water, sewer, electric, and gas are at least 36 inches below grade. Utility trees shall be planted no closer to than 10 feet to a fire hydrant, utility pole, or streetlight.

4. Planting Techniques. Trees to be planted on public properties shall be dug to give adequate room for the root system. The diameter of the hole should be at least 12 inches larger than the diameter of the root ball or root system. The depth of planting should be at the same level as the tree had grown previously. Backfill should be the same material that was removed from the hole, with no additives except low nitrogen fertilizer, which may be added if necessary. Holes dug by augers must have their sides chipped by a hand shovel to break glazing affected by the auger. Trees may be guyed in windy areas or on slopes. All such supports shall be removed within 18 months.

5. Tree Care.

- a. Pruning. Trees overhanging streets or pedestrian facilities should be pruned to a height of 8 feet for pedestrian facilities and 12 feet for streets. The standard tree pruning method will be branch collar pruning as opposed to stubs or flush cuts. Large limbs and branches will be precut to prevent excessive peeling of the bark, followed by cutting the remaining stub.

Tree pruning in the vicinity of power lines shall be undertaken by the utility district to assure the supply of electricity to its customers. Drop crotch pruning and pruning to laterals are the recommended methods.

In all cases, the topping of public trees shall not be permitted. Other measures shall be explored in consultation with the Tree Board. This may involve removal of unplanned or inappropriately placed trees that are in a location where such trees cannot reasonably be properly pruned. This may also include removal of invasive exotic trees, such as mimosa, ailanthus, and paulownia. Where this approach is used, re-planting shall be explored, if appropriate, and with trees that would be more suitable for the location.

- b. Fertilization. Fertilization of trees may be necessary if a tree or trees are determined to be deficient in nutrients. Determination is made by leaf color or size, twig growth, soil test or other diagnostic methods. Fertilizer will be applied on the soil surface at the appropriate time of year.
- c. Mulching. Where mulching is used the following standards should be followed:
  - i. If mulch is being applied for the first time, apply a thin layer of around two inches and extend it to the drip line of the tree where possible. Where this is not possible, the mulch circle should extend at least halfway out the drip line and no less than 3 feet from the base of the tree. Mulch shall not be in contact with the tree trunk.
  - ii. Where mulch is to be added in areas that have previously been mulched, the old mulch should be evaluated to see if it needs to be removed before applying a new layer. Otherwise, it could create a layer of mulch that is too thick and adversely affect the tree. Old mulch may sometimes only need to be raked to re-establish the look and function of adding a new layer. This should be evaluated prior to adding new mulch.

iii. In general, mulch should be applied in the middle of the spring, though any time of year is possible.

- d. Tree Removal. Public trees shall only be removed by the appropriate authorities where such trees are diseased, dead, creating hazards or recurring maintenance issues, exotic invasive, chronically interfering with overhead or underground utility lines, or shown on approved plans to be removed to complete work on public property. Otherwise, tree protection shall be governed by the applicable provisions in the Tree Protection Ordinance of the Town of Farragut.

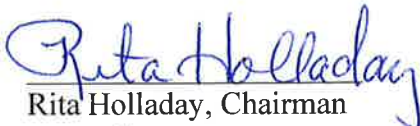
## SECTION 2.

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 \_\_\_\_\_, 2022, with approval recommended.

  
Rita Holladay, Chairman

  
\_\_\_\_\_  
Scott Russ, Secretary

**FARRAGUT MUNICIPAL PLANNING COMMISSION**

**REPORT TO THE BOARD OF MAYOR AND ALDERMEN****PREPARED BY:** Mark Shipley, Community Development Director**SUBJECT:** Approval of Ordinance 22-03 on second reading, an ordinance to amend the Farragut Municipal Code, Appendix A – Zoning, Chapter 3., Section XII., General Commercial (C-1), Subsection F., 9. Height Regulations, to provide for a concept plan review when a building more than two stories in height is proposed (Town of Farragut, Applicant)

**INTRODUCTION AND BACKGROUND:** During discussion with the Planning Commission, it was noted that, in the Mixed-Use Town Center section of the General Commercial (C-1) Zoning District, there is currently language that permits buildings to be constructed up to four stories in height. The original intent of allowing up to four stories was to provide for vertical mixed-use buildings that were consistent with the height permitted in the Town Center District (TCD).

The requested amendment, as reflected in Ordinance 22-03, would establish more review and approval control where buildings more than two stories are proposed. Essentially, when a building exceeds two stories, it “may” be permitted, depending on the concept plan proposed in association with the project and the surrounding context and community objectives.

As noted with the Planning Commission, the idea for this amendment was initiated by Vice Mayor Povlin and presented to the Board of Mayor and Alderman as a workshop discussion item at their meeting on December 9, 2021. The Board was supportive of the idea and asked staff to prepare some draft amendment language to present to the Planning Commission.

**RECOMMENDATION:** At their meeting on February 17, 2022, the Planning Commission unanimously recommended approval of Ordinance 22-03. Community Development Director, Mark Shipley, also recommends approval of Ordinance 22-03 on second and final 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           | _____           | _____        | _____          | _____         | _____           |



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- b. There shall be a buffer strip a minimum of 35 feet in width on all side and rear property lines when the abutting property is zoned residential or agriculture;
  - c. Existing, mature vegetation shall be preserved and incorporated into the buffer strip; and
  - d. Detention basins, measured from top-of-slope to top-of-slope, and associated structures shall not be located within any buffer strips.
6. *Maximum lot coverage.* Total lot coverage: 70 percent.
7. *Land area.* Minimum lot size of one acre.
- D. *Height regulations.* No structure shall exceed 2½ stories, or 35 feet in height, except as provided for elsewhere in this ordinance.
- E. *Parking.* As regulated in Chapter 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 60 percent of the total parking lot length adjacent to the front property line shall be screened from view with a berm or landscaping.

 F. *Mixed Use Town Center.*

1. *General Description and Purpose.*

In the Town's adopted Comprehensive Land Use Plan (CLUP), Strategy 1 describes the community's desire to Bring About a Downtown. Also included in the CLUP are land use descriptions related to the intent, uses, and character of what is described as a Mixed Use Town Center (MUTC). The CLUP also includes a future land use map which identifies locations for a MUTC.

The purpose of this section is to ensure that properties zoned C-1 that are within (i.e., at least half of the existing parcel) the area shown as Mixed Use Town Center are developed and redeveloped in a manner that is consistent with the CLUP.

Where a property is zoned C-1 and is shown to be within the area identified as MUTC on the Future Land Use Map, the following provisions shall apply.

2. *Permitted Principal and Accessory Uses and Structures.* (If a use is not listed below it shall not be permitted unless it is approved by the Board of Zoning Appeals as a Special Exception and the proposed use is consistent with the CLUP as it relates to the MUTC.)
- a. Generally recognized retail sales. This excludes all outdoor sales or storage (unless part of an approved Farmers Market or similar seasonal pedestrian oriented use) and any "big box" entities where the total gross square footage exceeds 25,000 square feet.
  - b. Restaurants, tea rooms, cafes, coffee houses, bistros, or other similar establishments serving food or beverage that is primarily consumed within the principal building or in designated outdoor seating areas associated with the principal building. A drive-through lane may be permitted provided the following criteria are satisfied:
    - 1. The property is a minimum of two acres and is a lot of record that has existing frontage on a street classified as a major arterial on the Major Road Plan;
    - 2. The drive-through is limited to one lane;
    - 3. The drive-through is located to the rear of the building or behind the building so that it is not visible from any abutting public rights-of-way;

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4. The drive-through is limited to one menu board which shall be permitted provided all of the following criteria are satisfied:
    - a) The menu board and any associated apparatus shall be architecturally compatible with the principal building;
    - b) The menu board and any associated apparatus shall be screened with opaque materials (which may include evergreen plant material) so that, throughout the year, they are not visible from adjacent properties and/or rights of ways;
    - c) The screening plan for such menu board and associated apparatus shall be reviewed as part of the site and landscape plan review with the applicable standards in the Architectural Design Standards (ADS) also being applied; and
    - d) The menu board shall not exceed 36 square feet in size and 6 feet in overall height.
  5. The entrance and exit to the drive-through leads to a parking area or service drive. The drive-through lane shall not be directly connected to a public street; and
  6. The design shall minimize vehicle/pedestrian conflicts. The drive-through lane shall not separate parking lots from rear building pedestrian access doors or other pedestrian access ways.
  7. The planning commission may approve alternative drive-thru lane configurations and minor modifications to the requirements of parts 1 - 6 above where an existing permitted establishment is being remodeled/redeveloped without a change of use. This includes but is not limited to the addition of split ordering lanes; the use of more than one menu board provided, however, that the aggregate square footage (sign area) of all such boards per lane shall be restricted to 30 square-feet with no single board to exceed 20 square-feet; and a relaxation of the menu board screening requirement. In granting such approvals, the planning commission shall consider and ensure that they are based on the following:
    - a) The physical nature of the preexisting site;
    - b) The extent of the redevelopment project;
    - c) A finding that the proposed alternative design and/or modifications serve a related public purpose, such as improved traffic flow; and
    - d) That the alternative design/modification is consistent with the general intent of these standards and represents the minimum modification necessary given the nature of the site and project.
- c. Financial and real estate services. This excludes drive-through service lanes and windows.
  - d. Professional, personal, and business services.
  - e. Public, governmental, and general offices.
  - f. Medical, dental, and veterinary facilities (indoors only).
  - g. Medical spas.
  - h. Adult education and training facilities, indoors only.
  - i. Cultural activities.
  - j. Theaters.
  - k. Indoor recreational facilities.

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- l. Parks and community facilities.
  - m. Residential, provided it is located in the upper floors of a building that has been designed and constructed for a mix of uses, or on any floors if it is part of an approved horizontally configured mixed-use town center development plan that is within the Planned Commercial Development (PCD) Zoning District.
  - n. Bed and breakfasts/inns.
  - o. Hotels, provided the gross square footage does not exceed 25,000 square feet.
  - p. Churches and other places of worship, provided they are not located in freestanding buildings.
  - q. Day care facilities, provided they are not located in freestanding buildings.
  - r. Schools, public and private, provided they are not located in freestanding buildings.
  - s. Utility uses. This excludes substations and telecommunication towers. These utility uses shall not be permitted.
  - t. Other uses similar to any of the above, as approved by the Board of Zoning Appeals as a Special Exception. Any use approved as a Special Exception in this section shall be compatible with the CLUP as it relates to the Mixed-Use Town Center.
3. *Building Facade Requirements.*
- New construction shall comply with the Town of Farragut Architectural Design Standards, as amended and, in addition, the requirements provided for in Chapter 107, Article 2. - Town Center Design Requirements, Sections 107-26 and 107-27, as amended.
- Where re-development involves improvements (interior and/or exterior) to an existing building(s) which exceed 50 percent of the current value (as determined by a certified appraisal) of such building(s), the building(s) facade(s) shall be modified to use high-quality, durable, materials that are architecturally compatible and include a significant masonry element. Such building facades shall not use fabricated metal panels or vinyl siding and shall include only very limited use of synthetic stucco (EIFS) or panelized brick.
4. *Low Impact Development Requirements.* Any new development or redevelopment where at least half of the existing site improvements are being modified (e.g., half of the existing parking lot is being altered from its current configuration), shall incorporate a minimum of one of the following Low Impact Development (LID) practices into the design:
- a. Twenty-five percent of the parking lot being constructed with permeable pavers;
  - b. Stormwater runoff draining to rain gardens;
  - c. A building(s) being constructed with a vegetated roof, commonly referred to as a green roof;
  - d. Stormwater draining to bioswales/bioretenention facilities; or
  - e. Rainwater being harvested for irrigation or gray water uses.
5. *Area Regulations.*
- a. Front yards.
    - 1. All principal buildings shall be set back a minimum of ten feet from all property lines and access easements.
    - 2. Unless otherwise provided, all accessory structures, such as parking garages, dumpsters, HVAC units and generators, shall be set back a minimum of 20 feet from all property lines

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and access easements. This excludes signage, detention basin structures (if associated with a low impact development measure), or structures typically associated with a store front or furnishing zone as described in the TCD Zoning District.

Where abutting an arterial street, no portion of a parking lot shall be closer to such street than the principal building(s). The minimum setback for a parking lot shall be 20 feet from all property lines and access easements. On street parking shall be exempt from setback requirements.

b. Side and rear yards.

1. All principal buildings shall be set back a minimum of zero feet if part of a larger plan to join a building on an adjoining property. Where a building is planned to be joined with another building to form a series of buildings the design requirements provided for in Title 14, Chapter 3 [see now chapter 107, article 2] of the Farragut Municipal Code shall apply.

Where the adjacent property is zoned residential or agricultural, principal buildings shall be set back from the nearest point of any side or rear property line a minimum of 35 feet.

2. All accessory structures shall be set back a minimum of ten feet, unless a greater setback is otherwise required in this ordinance or the [Farragut] Municipal Code.

6. *Buffer Strips.*

- a. There shall be a buffer strip a minimum of 35 feet in width on all side and rear property lines when the abutting property is zoned residential or agricultural.

7. *Maximum Lot Coverage.* Total lot coverage: 80 percent.

8. *Land Area.* Minimum lot size of one acre.

9. *Height Regulations.*

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- a. Unless provided for otherwise, buildings shall be a minimum of two stories in height or have the appearance, as viewed from all building elevations, of a building that is at least two stories in height. ~~Buildings shall not exceed four stories in height.~~ The minimum height requirement shall apply only to new buildings.

Where a building's height is proposed to be more than two stories, a concept plan shall first be provided to visually demonstrate where the building(s) is (are) envisioned, the uses proposed in the building(s), and a clear indication of what the building(s) will look like and how it (they) will be situated within the development. The concept plan shall first be approved before a site plan is submitted. In their review of the concept plan, the Planning Commission will consider the surrounding plan of development, the relationship of the proposed building(s) to its (their) context, and the community objectives achieved with the additional height and the uses proposed therein. In no case shall a building exceed four stories in height.

- b. For existing lots of record that are not part of a larger development and that are less than three acres, the planning commission may consider allowing a building height that is less than two stories. This shall only be permitted if the proposed building is in compliance with all other building facade requirements that apply to the Mixed-Use Town Center and the applicable provisions of the Architectural Design Standards. An applicant shall also clearly demonstrate that the building(s) will advance and be consistent with the building design objectives of the Town Center District.

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- c. Whenever the adjacent property is zoned residential (other than multi-family), or agricultural, no buildings to be constructed within 100 feet of a periphery property line shall exceed the maximum height permitted for principal dwelling units in the adjacent zoning district(s).
  - d. Parking garages shall not exceed three stories or 45 feet in height. Parking garages may not access streets classified as arterial. Other accessory structures shall not exceed 25 feet in height.
10. Parking spaces required.
- a. Number of parking spaces required. Unless the building is mixed use, the number of parking spaces required shall be as regulated by Chapter 4, Section XX of the Zoning Ordinance.

Mixed use buildings shall be governed by the following parking space provisions:

    - 1. One parking space per 250 square feet of gross floor area for the first [ground] floor;
    - 2. One parking space per 500 square feet of gross floor area for the second floor; and
    - 3. One parking space per 750 square feet of gross floor area for the third and fourth floors.
  - b. Required bicycle parking. One bicycle space per 5,000 square feet of gross floor area. Bicycle racks shall be provided in desirable locations and shall be conveniently located at each building. The rack placement should not impede pedestrian movement and should not cause conflicts between bicycles and pedestrians.
  - c. Shared parking. Shared parking within the area identified as MUTC shall be encouraged. The parking and access easements must be identified as part of the site plan review and a plat prepared and recorded which memorializes such easements prior to the issuance of a building permit.
11. *Streetscape and Outdoor Open Space.* An active and interconnected streetscape with visually appealing and functional public spaces shall be provided and specifically addressed in the site plan submittal. Some specific design objectives are as follows:
- a. Provide for pedestrian and bicycle connections between properties and connections to existing pedestrian and bicycle facilities. Provide for a development that creates a pleasant and functional pedestrian experience.
  - b. Encourage vehicular connections between adjoining properties.
  - c. Locate and orient outdoor open space (e.g., plazas, courtyards, patios, outdoor seating and benches, small park spaces or landscaped features) to provide a focal point to be actively used.
  - d. Provide landscape enhancements (e.g., bioswales, rain gardens, planters, flower gardens) to add visual interest, screen parking areas, and complement outdoor open spaces.
12. *Outdoor Site Lighting.* As regulated in Chapter 4, Section XIII of the Zoning Ordinance with the following additional provisions in the MUTC:
- a. New exterior lighting associated with new development or re-development within the MUTC shall have a consistency.
  - b. Street lighting shall follow the requirements in Chapter 3, Section XXVII.K.2. of the Zoning Ordinance.

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- c. Parking lot lights shall have decorative posts and brackets and a decorative fixture, such as a bell shaped style fixture. The bulbs shall be contained within the fixture so that they are not visible.
    - d. Building mounted lights shall be decorative, such as the acorn, lantern, or bell shaped styles. The bulbs shall be contained within the fixture so that they are not visible.
    - e. Bollard lighting shall be permitted provided the bulbs are contained within the fixture so that they are not visible.
  - 13. *Signage.* As regulated in the Farragut Sign Ordinance, with the following additional provisions which shall specifically govern all wall signage:
    - a. Box or cabinet style signs on new buildings shall not be permitted;
    - b. Lighting for all new wall signs shall be consistent and shall be limited to external or back lit illumination; and
    - c. Signage shall be consistent with the applicable provisions of the Town's Architectural Design Standards.
  - F-1. *Streetscape and outdoor open space.* As part of a site plan review, a context appropriate (i.e., appropriate in relation to the proposed development and its physical surroundings) and interconnected streetscape with visually appealing and functional public spaces is encouraged. Some specific design objectives would be as follows:
    - 1. Locate and orient outdoor open space (e.g., plazas, courtyards, patios, outdoor seating and benches, small park spaces or landscaped features) to provide a focal point to be actively used.
    - 2. Provide landscape enhancements (e.g., bioswales, rain gardens, planters, flower gardens) to add visual interest, screen parking areas, and complement outdoor open spaces.
  - G. *Connectivity.* Development shall 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.
  - H. *Low Impact Development.* Development shall incorporate a minimum of one of the following Low Impact Development (LID) practices into the design:
    - 1. Twenty-five percent of the parking lot being constructed with permeable pavers;
    - 2. Stormwater runoff draining to rain gardens;
    - 3. A building(s) being constructed with a vegetated roof, commonly referred to as a green roof;
    - 4. Stormwater draining to bios wales/bioretenion facilities; or
    - 5. Rainwater being harvested for irrigation or gray water uses.
- (Ord. No. 86-16, 4-1986; Ord. of 2-2006; Ord. No. 07-09, § 1, 5-10-2007; Ord. No. 07-20, §§ 1—4, 5-24-2007; Ord. No. 07-39, § 1, 1-10-2008; Ord. No. 08-01, § 1, 2-28-2008; Ord. No. 08-18, § 1, 1-8-2009; Ord. No. 11-21, § 2, 11-15-2011; Ord. No. 12-02, §§ 1, 2, 2-23-2012; Ord. No. 12-13, §§ 1, 2, 9-27-2012; Ord. No. 14-21, § 2, 1-22-2015 ; Ord. No. 15-02, §§ 1, 2, 3-26-2015; Ord. No. 16-13, §§ 1, 2, 7-28-2016; Ord. No. 16-17, § 1, 7-28-2016; Ord. No. 16-19, § 1, 7-28-2016; Ord. No. 16-25, § 1, 12-22-2016; Ord. No. 17-11 , § 1, 8-10-2017; Ord. No. 19-19 , § 3, 6-17-2019; Ord. No. 19-23 , § 1, 8-22-2019; Ord. No. 20-16 , §§ 2, 3, 9-10-2020; Ord. No. 20-25 , § 1, 1-14-2021; Ord. No. 21-03 § 1, 1-28-2021)

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Editor's note(s)—Ord. No. 16-13, § 2 added subsections F—H to ch. 3, § XII. As a subsection F already existed, the added subsection F has been editorially designated as subsection F-1.

**RESOLUTION PC-22-03**

**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 THE FARRAGUT MUNICIPAL CODE, APPENDIX A., ZONING, CHAPTER 3., SPECIFIC DISTRICT REGULATIONS, SECTION XII., GENERAL COMMERCIAL (C-1), SUBSECTION F.9. HEIGHT REGULATIONS, TO PROVIDE FOR A CONCEPT PLAN REVIEW WHEN A BUILDING MORE THAN TWO STORIES IN HEIGHT IS PROPOSED**

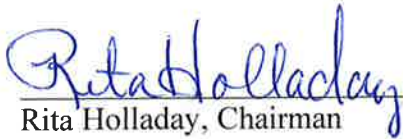
**WHEREAS**, the Tennessee Code Annotated, Section 13-4-201 et seq. provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

**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 February 17, 2022;

**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 22-03.

ADOPTED this 17<sup>th</sup> day of February 2022.

  
Rita Holladay, Chairman

  
Scott Russ, Secretary

**ORDINANCE:**  
**PREPARED BY:**  
**REQUESTED BY:**  
**1ST READING:**  
**2ND READING:**  
**PUBLISHED IN:**  
**DATE:**

**22-03**  
**Shipley**  
**Staff**

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**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 THE FARRAGUT MUNICIPAL CODE, APPENDIX A., ZONING, CHAPTER 3., SECTION XII., SUBSECTION F., 9. HEIGHT REGULATIONS, TO PROVIDE FOR A CONCEPT PLAN REVIEW WHEN A BUILDING MORE THAN TWO STORIES IN HEIGHT IS PROPOSED**

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend Chapter 3., Section XII. F., 9., Height 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, Chapter 3., Section XII. F., 9., Height Regulations, is hereby amended by replacing it in its entirety as follows:

## **SECTION 1.**

Section XII. F., Mixed Use Town Center

### **9. *Height Regulations.***

- a. Unless provided for otherwise, buildings shall be a minimum of two stories in height or have the appearance, as viewed from all building elevations, of a building that is at least two stories in height. The minimum height requirement shall apply only to new buildings.

Where a building's height is proposed to be more than two stories, a concept plan shall first be provided to visually demonstrate where the building(s) is (are) envisioned, the uses proposed in the building(s), and a clear indication of what the building(s) will look like and how it (they) will be situated within the development. The concept plan shall first be approved before a site plan is submitted. In their review of the concept plan, the Planning Commission will consider the surrounding plan of development, the relationship of the proposed building(s) to its (their) context, and the community objectives achieved with the additional height and the uses proposed therein. In no case shall a building exceed four stories in height.

- b. For existing lots of record that are not part of a larger development and that are less than three acres, the planning commission may consider allowing a building height that is less than two stories. This shall only be permitted if the proposed building is in compliance with all other building facade requirements that apply to the Mixed-Use Town Center and

the applicable provisions of the Architectural Design Standards. An applicant shall also clearly demonstrate that the building(s) will advance and be consistent with the building design objectives of the Town Center District.

- c. Whenever the adjacent property is zoned residential (other than multi-family), or agricultural, no buildings to be constructed within 100 feet of a periphery property line shall exceed the maximum height permitted for principal dwelling units in the adjacent zoning district(s).
- d. Parking garages shall not exceed three stories or 45 feet in height. Parking garages may not access streets classified as arterial. Other accessory structures shall not exceed 25 feet in height.

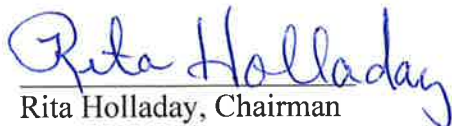
## **SECTION 2.**

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 \_\_\_\_\_, 2022, with approval recommended.

  
Rita Holladay, Chairman

  
\_\_\_\_\_  
Scott Russ, Secretary

**FARRAGUT MUNICIPAL PLANNING COMMISSION**

**REPORT TO THE BOARD OF MAYOR AND ALDERMEN**

**PREPARED BY:** Mark Shipley, Community Development Director

**SUBJECT:** Approval of Ordinance 22-04 on second reading, an ordinance to amend the Farragut Municipal Code, Appendix A – Zoning, Chapter 3, Section XIII., Neighborhood/Convenience Commercial (NCC), to remove apartment buildings as a residential use and require a concept plan in association with a rezoning request to NCC (Town of Farragut, Applicant)

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**INTRODUCTION AND BACKGROUND:** During discussion with the Planning Commission, it was noted that the NCC District was adopted on June 28, 2018, as a scaled down version of the General Commercial District (C-1). It was recommended by the CLUP Steering Committee to help serve as a transitional district that would include maximum building size provisions for non-residential buildings and a focus on enhanced control over site components, such as lighting and service area and drive through facility placement, that could otherwise have a negative effect on nearby residential developments. To further enhance the neighborhood-oriented objectives of the district, the NCC provides for the opportunity to mix residential uses with non-residential uses as part of a transition area plan that would be required for any site plan submittal in the district. As currently stated, residential uses could include both detached and attached single-family dwellings and apartment buildings not to exceed a density of eight units per acre.

Prior to the creation of the NCC District, the Town's commercial districts were only traditional arterial commercial that did not include limitations on building sizes or the opportunity to mix residential with non-residential. The creation of the NCC District established not only a new commercial option but also addressed a disconnect between the Zoning Ordinance and the CLUP regarding the Mixed-Use Neighborhood (MUN) land use. The NCC provided a zoning district that would correspond to the MUN land use so that there would be a rezoning option for properties identified as being potential candidates for a mixed-use neighborhood development.

Currently, there are only two properties that are zoned NCC. One is on the west side of N. Watt Road at the Town limits and the other is the property (Swan Farm) along Kingston Pike across from Way Station Trail and to the south of Union Road. There is also a third property that was recommended for rezoning to NCC by the Planning Commission and that will be coming to the Board of Mayor and Aldermen likely for the March 24 meeting. This property is located along N. Watt Road just south of the property that is currently zoned NCC.

**DISCUSSION:** When reviewing the NCC District with the Planning Commission, staff explained that the current language intentionally includes a variety of housing options to specifically account for what type of residential product might appropriately transition to its surrounding context and/or within the development itself. Staff also noted that, in this district, the Planning Commission is given the authority to consider the type, placement, scale, and general arrangement of residential buildings based on the context of the surrounding area and the plan proposed by the applicant during the evaluation process. This review, however, would currently take place after the property has been zoned to NCC.

The request to remove apartment buildings as a residential use in the NCC District and require a concept plan in association with a rezoning was also initiated by Vice Mayor Povlin and presented as a workshop item to the Board of Mayor and Aldermen at their meeting on December 9, 2021. The Board was in support of both amendments and asked staff to prepare language to present to the Planning Commission for their recommendation.

Based on feedback provided by the Planning Commission, staff presented Ordinance 22-04 to the Planning Commission for their recommendation at the February 17, 2022, meeting. The Planning Commission unanimously recommended approval of Ordinance 22-04. Community Development Director, Mark Shipley, recommends approval of Ordinance 22-04 on second and final 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           | _____           | _____        | _____          | _____         | _____           |

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## Sec. XIII. Neighborhood/Convenience Commercial District (NCC)

- A. *General description.* This district is intended for small to medium commercial sites and areas located near existing or developing residential neighborhoods. The emphasis of the district is on uses which provide goods and services to nearby residential areas. Uses are intentionally limited in size and intensity to promote a local market orientation and to limit adverse impacts on nearby residential areas. Development is expected to be predominantly auto accommodating, except where the site is well connected to surrounding residential areas by pedestrian and bicycle facilities.
- B. *Application of the district.*
1. Since the NCC District provides for the opportunity to mix residential and non-residential uses, any application for rezoning to NCC shall include a Concept Layout Plan that clearly addresses the plan of development for the proposed rezoning area, including but not limited to; the envisioned location of all proposed permitted uses and structures, transportation networks, public and private open-space areas, and environmentally sensitive areas. The plan shall be prepared by a Tennessee licensed engineer or landscape architect, and/or a physical planner with comparable education, background, and experience. At a minimum, the concept plan shall be prepared at a scale of not less than 1" = 100', laid-out for printing on sheets of 24 inches by 36 inches, and shall include the following information:
    - a. A title block which specifically indicates that this plan is for rezoning application purposes and contains "conceptual information" which is "not intended for construction purposes."
    - b. Location map, property address(s), tax map and parcel number(s), graphic scale, approximate north arrow, map legend, and preparation and revision date information.
    - c. The names, addresses, and contact information for the property owners, representatives, and professionals involved in the plan. The professional seal of the individual principally responsible for preparing the plan shall also be affixed.
    - d. Property boundaries, acreage of the property in question, existing zoning, the approximate location of existing utilities expected to service the property and an indication of their availability and capacity to do so, and the locations and widths of any rights-of-way providing access to the property.
    - e. Sufficient information on the existing development within 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. Site topography (KGIS), the general locations and acreage of tree covered areas, and the approximate location and extent of all other environmentally sensitive areas on the site including but not limited to springs, streams, water courses, identified floodplains and flood hazard areas, wetlands, slopes more than fifteen (15) percent, surface depressions, sinkholes and caves, and known endangered species habitat.
    - g. The envisioned uses and the general location and scale of proposed buildings and residential building envelopes, along with the proposed residential density of the overall development. For purposes of calculating the residential density, the concept plan shall establish the portion of the development devoted to residential uses. This shall also include vertical mixed-use buildings with residential on the non-ground floor. Remaining land areas that are not devoted to residential uses shall not be included in the area used to calculate the residential density. The proposed delineation of the residential portion of the property will be evaluated by the planning commission as to whether the limits are logical and appropriate.

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- h. The general location of proposed outdoor open-space areas and streetscaping.
    - i. The type and location of proposed transition areas.
    - j. The proposed location of streets, sidewalks, and shared-use paths and how these proposed transportation elements will be connected to both the existing transportation systems and adjacent properties. The location and distances between any existing intersecting roadways and driveways and those being proposed shall also be shown.
    - k. A signed statement by the owner/applicant that they are aware of the Town's development requirements and standards and that they will be required to meet all applicable standards during development.
  2. It is understood that a Concept Layout Plan is based on readily available information and that some modifications are possible as more detailed evaluation is completed. Since a rezoning to the NCC requires a Concept Layout Plan namely to establish the general type and location of envisioned uses, should changes be necessary to the Concept Layout Plan as more detailed analyses are conducted, it is necessary to establish what would constitute a major vs. a minor change. Major changes, as identified during the review process, shall require a re-review and approval from the Board of Mayor and Aldermen and would include the following:
    - a. The type, scale, and/or mixture of buildings and/or uses substantially differs from the Concept Layout Plan that was provided for the rezoning.

Minor changes are those that would generally be associated with the site plan review process and adherence to the applicable provisions of the NCC District and that would not functionally alter the general scale, distribution and/or type of buildings and/or uses within the development. These changes may be approved by the Planning Commission as part of the site plan review process and would not be required to have additional review and approval from the Board of Mayor and Aldermen.

3. Consistent with the foregoing distinction between major changes and minor changes to the Concept Layout Plan, an initial rezoning to NCC by the Farragut Board of Mayor and Aldermen is conditioned upon there being no major changes to the Concept Layout Plan before the approval by the Planning Commission of the site plan for the proposed development. In the event major changes, as defined herein, to the Concept Layout Plan or the site plan are proposed after the conditional rezoning of the property by the Farragut Board of Mayor and Aldermen, then the proposed major changes must be submitted for approval by the Farragut Board of Mayor and Aldermen.

When a major change to a Concept Layout Plan or a site plan, based thereon, has not been approved by the Farragut Board of Mayor and Aldermen, then the condition precedent to the rezoning to NCC has not occurred. Thus, the rezoning to NCC has not been accomplished.

**BC.** *Permitted principal and accessory uses and structures.* Unless provided for elsewhere in this section, property and structures located in the Neighborhood/Convenience Commercial District shall be used only for the following purposes and in accordance with all applicable requirements:

1. Generally recognized retail sales. This excludes all outdoor sales or storage (unless part of an approved Farmers Market or similar seasonal retail pedestrian-oriented use), petroleum product fuel centers, and any "big box" entities where the total gross square footage exceeds 25,000 square feet.
2. Personal and professional services.
3. Financial and real estate services.
4. Restaurants, tea rooms, cafes, coffee houses, bistros, or other similar establishments serving food or beverage that is primarily consumed within the principal building or in designated outdoor seating areas associated with the principal building.

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5. The retail sale of alcoholic beverages, as provided for in the Farragut Municipal Code.
  6. Bed and breakfasts/inns.
  7. Day care facilities.
  8. Veterinary facilities (indoor facilities only).
  9. Schools, public and private.
  10. Public, governmental, and general offices.
  11. Cultural activities.
  12. Parks and community facilities.
  13. Churches and other places of worship
  14. Utility uses. This excludes substations and telecommunication towers. These utility uses shall not be permitted.
  15. Residential uses, including both detached and attached single family dwellings, ~~and apartment buildings~~ not to exceed eight-units per acre **for the portion of the development devoted to residential uses** and provided they are developed as part of a transition area in this district; and/or residential units in mixed-use buildings provided they are not located on the ground floor.
  16. Permitted uses that may include drive-through facilities. A drive-through may be permitted for any of the uses permitted in this zoning district provided the following criteria are satisfied:
    - a. The drive-through is oriented so that stacking lanes do not extend across the front of the building;
    - b. Stacking lanes shall be separated from parking lots by landscaped raised islands or landscaped bioretention areas;
    - c. If a menu board is used, the following criteria shall be satisfied:
      - 1) The menu board and any associated apparatus shall be architecturally compatible with the principal building;
      - 2) The area around the menu board and any associated apparatus shall be landscaped and screened so that, throughout the year, they are not visible from adjacent properties that are zoned residential and/or public rights-of-ways;
      - 3) The screening plan for such menu board and associated apparatus shall be reviewed as part of the site and landscape plan review with the applicable standards in the Architectural Design Standards (ADS) also being applied.
      - 4) Menu board signage shall comply with the requirements in the Farragut Sign Ordinance.
    - d. The entrance and exit to the drive-through leads to a parking area or service drive. The drive-through lane shall not be directly connected to a public street; and
    - e. The design shall minimize vehicle/pedestrian conflicts. The drive-through lane shall not separate parking lots from rear building pedestrian access doors or other pedestrian access ways. Pedestrian routes shall be well delineated and provide direct access from public streets and sidewalks and parking lots to building entrances.
  17. Brewpub, provided the following development criteria are met:

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1. All manufacturing, processing, packaging, and distribution equipment shall be maintained within completely enclosed structures. All related storage shall also be contained completely within enclosed structures.
  2. Loading areas in a newly constructed facility shall be screened with opaque materials and shall not be visible from adjacent rights-of-way or residential districts. Such screening shall be architecturally compatible with the building.
  3. For adaptive reuse of existing buildings, newly constructed loading areas should be located to minimize impacts on surrounding rights-of-way and residential areas and screened to the extent feasible. Existing loading areas should be screened to the extent feasible from view from rights-of-way or any adjacent residential district.
  4. The use is conditioned upon obtaining necessary permits from the Town of Farragut Beer Board.

**C.D. Maximum Building Size and Height:** These maximum building size and height standards are intended to limit the size and intensity of development and to promote a local market orientation. The district is intended to provide for a range of small and medium sized businesses as a convenience to surrounding residential districts in the immediate area.

1. The maximum footprint area for a single-use freestanding building shall be 25,000 square feet.
2. The maximum footprint area for a single multi-use/shopping center building shall be 50,000 square feet with no individual use exceeding 50 percent of the total footprint area of the entire multi-use/shopping center building.
3. Where an abutting property is zoned for detached single family residential development the maximum footprint area for any non-residential building proposed within 75 feet of a peripheral side or rear property line shall be limited to 5,000 square feet. This maximum footprint area may be increased to 7,500 square feet where the abutting property is zoned for attached single family or two family residential development.
4. Where the property located on the opposite side of an abutting public street is zoned residential, the maximum footprint area for any non-residential building proposed within 75 feet of a peripheral front property line shall be 5,000 square feet where said street is classified as a local street on the Town's Major Road Plan; and 7,500 square feet where said street is classified as a collector.
5. No principal building shall exceed 2½ stories or 35 feet in height. No accessory structure shall exceed 15 feet in height, except as provided for elsewhere in this section.

**D.E. Area regulations.**

1. **Setback requirements.**
  - a. **Front yard.** All structures, including parking lots, shall be set back a minimum of 20 feet from the nearest point of any public right-of-way. This excludes signage (which would be subject to the provisions in the sign ordinance), detention basin structures (if associated with a low impact development measure), and/or non-roofed structures that provide for pedestrian engagement with the public street (such as outdoor patios, pedestrian facilities, sitting areas, public art). With the exception of linear pedestrian facilities that connect to similar facilities in the right-of-way, no structures shall encroach into the public right-of-way and/or platted utility easements. Service areas and their associated structures (e.g., dumpsters, loading areas, utility buildings) shall be located to the side or rear of a building to minimize visual impacts from the street and foster a more pedestrian friendly streetscape.
  - b. **Side and rear yards.** Unless provided for otherwise in this section, where an adjacent property is zoned residential, all principal buildings that are positioned along a side or rear property line shall

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be set back a minimum of 25 feet from the nearest side or rear property line(s). Where an adjacent property is zoned non-residential, all structures shall be set back a minimum of ten feet from the nearest side or rear property line(s).

- c. *Accessory structures.* Unless specified otherwise in this section, where an adjacent property is zoned residential, all accessory structures, excluding fences, pedestrian facilities, signage, and structures associated with low impact development stormwater measures, shall be set back a minimum of 25 feet from the nearest side or rear property line.

Mechanical units five tons or greater, dumpsters, and other service areas, and drive-thru lanes, as measured from the outer edge of the outermost vehicle stacking lane, shall be set back a minimum of 50 feet from all side or rear property lines where the abutting property is zoned residential.

In all cases, site related components that could create a potential nuisance to adjoining existing residential developments shall be arranged on the site and buffered to prevent such nuisance from occurring.

2. *Transition areas.*

The intent of this zoning district is to provide smaller scale and less intense development that, in comparison with other commercial zoning districts, will transition more appropriately to nearby residential development.

- a. Unless specified otherwise in this section, where an abutting property is zoned residential, a transition area of at least 25 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 area and 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:
- 1) 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 25-foot buffer strip, as provided for in chapter 4 of this section. Under this option, the arrangement of plant material may include more flexibility than a traditional buffer strip planting, provided this arrangement best promotes the intended stormwater function of the low impact development measure(s);
  - 2) 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;
  - 3) A traditional planted buffer strip area that complies with the 25-foot buffer strip plantings provided for in chapter 4 of this section;
  - 4) 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 25-foot buffer strip per 100 linear feet;
  - 5) Integrated planned residential development. Residential development may be proposed as a transitional element within a larger overall development plan. The type, placement, scale,

Where a development combines different transition elements, they shall be 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 pedestrian and/or vehicular connections and utilities adjacent to such improvements that bisect the transition area in a generally perpendicular manner.

- Created: 2021-09-10 14:22:27 [EST]

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H.I. *Parking.* Parking, as regulated in chapter 4.

I.J. *Lighting.* Lighting, as regulated in chapter 4; except that the maximum number of footcandles permitted at the property line shall be reduced to 0.0 where a use/development is located adjacent to property that is zoned residential.

(Ord. No. 18-03, § 1, 6-28-2018; Ord. No. 20-16 , § 4, 9-10-2020)

Editor's note(s)—Ord. No. 18-07 , § 1, adopted June 28, 2018, repealed the former Sec. III, and enacted a new Sec. III as set out herein. The former Sec. III pertained to General Commercial Storage District (CS-1) and derived from Ord. No. 07-22, § 1, 6-28-2007.

**RESOLUTION PC-22-04**

**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 THE FARRAGUT MUNICIPAL CODE, APPENDIX A., ZONING, CHAPTER 3., SPECIFIC DISTRICT REGULATIONS, SECTION XIII., NEIGHBORHOOD/CONVENIENCE COMMERCIAL (NCC), TO REMOVE APARTMENT BUILDINGS AS A RESIDENTIAL USE AND REQUIRE A CONCEPT PLAN IN ASSOCIATION WITH A REZONING REQUEST TO NCC**

**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 February 17, 2022;

**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 22-04.

ADOPTED this 17<sup>th</sup> day of February 2022.

  
Rita Holladay, Chairman

  
Scott Russ, Secretary

**ORDINANCE:**  
**PREPARED BY:**  
**REQUESTED BY:**  
**1ST READING:**  
**2ND READING:**  
**PUBLISHED IN:**  
**DATE:**

**22-04**  
**Shipley**  
**Staff**

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**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 THE FARRAGUT MUNICIPAL CODE, APPENDIX A., ZONING, CHAPTER 3., SECTION XIII., NEIGHBORHOOD/CONVENIENCE COMMERCIAL (NCC), TO REMOVE APARTMENT BUILDINGS AS A RESIDENTIAL USE AND REQUIRE A CONCEPT PLAN IN ASSOCIATION WITH A REZONING REQUEST TO NCC**

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend the Farragut Municipal Code, Appendix A., Zoning, Chapter 3., Section XIII., Neighborhood/Convenience Commercial (NCC), to remove apartment buildings as a residential use and require a concept plan in association with a rezoning request to NCC,

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance, Chapter 3., Section XIII., Neighborhood/Convenience Commercial (NCC), is hereby amended by replacing it in its entirety as follows:

## **SECTION 1.**

### **Sec. XIII. Neighborhood/Convenience Commercial District (NCC)**

- A. *General description.* This district is intended for small to medium commercial sites and areas located near existing or developing residential neighborhoods. The emphasis of the district is on uses which provide goods and services to nearby residential areas. Uses are intentionally limited in size and intensity to promote a local market orientation and to limit adverse impacts on nearby residential areas. Development is expected to be predominantly auto accommodating, except where the site is well connected to surrounding residential areas by pedestrian and bicycle facilities.
- B. *Application of the district.*
1. Since the NCC District provides for the opportunity to mix residential and non-residential uses, any application for rezoning to NCC shall include a Concept Layout Plan that clearly addresses the plan of development for the proposed rezoning area, including but not limited to; the envisioned location of all proposed permitted uses and structures, transportation networks, public and private open-space areas, and environmentally sensitive areas. The plan shall be prepared by a Tennessee licensed engineer or

landscape architect, and/or a physical planner with comparable education, background, and experience. At a minimum, the concept plan shall be prepared at a scale of not less than 1" = 100', laid-out for printing on sheets of 24 inches by 36 inches, and shall include the following information:

- a. A title block which specifically indicates that this plan is for rezoning application purposes and contains "conceptual information" which is "not intended for construction purposes."
- b. Location map, property address(s), tax map and parcel number(s), graphic scale, approximate north arrow, map legend, and preparation and revision date information.
- c. The names, addresses, and contact information for the property owners, representatives, and professionals involved in the plan. The professional seal of the individual principally responsible for preparing the plan shall also be affixed.
- d. Property boundaries, acreage of the property in question, existing zoning, the approximate location of existing utilities expected to service the property and an indication of their availability and capacity to do so, and the locations and widths of any rights-of-way providing access to the property.
- e. Sufficient information on the existing development within 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. Site topography (KGIS), the general locations and acreage of tree covered areas, and the approximate location and extent of all other environmentally sensitive areas on the site including but not limited to springs, streams, water courses, identified floodplains and flood hazard areas, wetlands, slopes more than fifteen (15) percent, surface depressions, sinkholes and caves, and known endangered species habitat.
- g. The envisioned uses and the general location and scale of proposed buildings and residential building envelopes, along with the proposed residential density of the overall development. For purposes of calculating the residential density, the concept plan shall establish the portion of the development devoted to residential uses. This shall also include vertical mixed-use buildings with residential on the non-ground floor. Remaining land areas that are not devoted to residential uses shall not be included in the area used to calculate the residential density. The proposed delineation of the residential portion of the property will be evaluated by the planning commission as to whether the limits are logical and appropriate.
- h. The general location of proposed outdoor open-space areas and streetscaping.
- i. The type and location of proposed transition areas.
- j. The proposed location of streets, sidewalks, and shared-use paths and how these proposed transportation elements will be connected to both the existing

transportation systems and adjacent properties. The location and distances between any existing intersecting roadways and driveways and those being proposed shall also be shown.

- k. A signed statement by the owner/applicant that they are aware of the Town's development requirements and standards and that they will be required to meet all applicable standards during development.
2. It is understood that a Concept Layout Plan is based on readily available information and that some modifications are possible as more detailed evaluation is completed. Since a rezoning to the NCC requires a Concept Layout Plan namely to establish the general type and location of envisioned uses, should changes be necessary to the Concept Layout Plan as more detailed analyses are conducted, it is necessary to establish what would constitute a major vs. a minor change. Major changes, as identified during the review process, shall require a re-review and approval from the Board of Mayor and Aldermen and would include the following:
    - a. The type, scale, and/or mixture of buildings and/or uses substantially differs from the Concept Layout Plan that was provided for the rezoning.

Minor changes are those that would generally be associated with the site plan review process and adherence to the applicable provisions of the NCC District and that would not functionally alter the general scale, distribution and/or type of buildings and/or uses within the development. These changes may be approved by the Planning Commission as part of the site plan review process and would not be required to have additional review and approval from the Board of Mayor and Aldermen.

3. Consistent with the foregoing distinction between major changes and minor changes to the Concept Layout Plan, an initial rezoning to NCC by the Farragut Board of Mayor and Aldermen is conditioned upon there being no major changes to the Concept Layout Plan before the approval by the Planning Commission of the site plan for the proposed development. In the event major changes, as defined herein, to the Concept Layout Plan or the site plan are proposed after the conditional rezoning of the property by the Farragut Board of Mayor and Aldermen, then the proposed major changes must be submitted for approval by the Farragut Board of Mayor and Aldermen.

When a major change to a Concept Layout Plan or a site plan, based thereon, has not been approved by the Farragut Board of Mayor and Aldermen, then the condition precedent to the rezoning to NCC has not occurred. Thus, the rezoning to NCC has not been accomplished.

- C. *Permitted principal and accessory uses and structures.* Unless provided for elsewhere in this section, property and structures located in the Neighborhood/Convenience Commercial District shall be used only for the following purposes and in accordance with all applicable requirements:

1. Generally recognized retail sales. This excludes all outdoor sales or storage (unless part of an approved Farmers Market or similar seasonal retail pedestrian-oriented use), petroleum product fuel centers, and any "big box" entities where the total gross square footage exceeds 25,000 square feet.

2. Personal and professional services.
3. Financial and real estate services.
4. Restaurants, tea rooms, cafes, coffee houses, bistros, or other similar establishments serving food or beverage that is primarily consumed within the principal building or in designated outdoor seating areas associated with the principal building.
5. The retail sale of alcoholic beverages, as provided for in the Farragut Municipal Code.
6. Bed and breakfasts/inns.
7. Day care facilities.
8. Veterinary facilities (indoor facilities only).
9. Schools, public and private.
10. Public, governmental, and general offices.
11. Cultural activities.
12. Parks and community facilities.
13. Churches and other places of worship
14. Utility uses. This excludes substations and telecommunication towers. These utility uses shall not be permitted.
15. Residential uses, including both detached and attached single family dwellings, not to exceed eight-units per acre for the portion of the development devoted to residential uses and provided they are developed as part of a transition area in this district; and/or residential units in mixed-use buildings provided they are not located on the ground floor.
16. Permitted uses that may include drive-through facilities. A drive-through may be permitted for any of the uses permitted in this zoning district provided the following criteria are satisfied:
  - a. The drive-through is oriented so that stacking lanes do not extend across the front of the building;
  - b. Stacking lanes shall be separated from parking lots by landscaped raised islands or landscaped bioretention areas;
  - c. If a menu board is used, the following criteria shall be satisfied:
    - 1) The menu board and any associated apparatus shall be architecturally compatible with the principal building;
    - 2) The area around the menu board and any associated apparatus shall be landscaped and screened so that, throughout the year, they are not visible from adjacent properties that are zoned residential and/or public rights-of-ways;

- 3) The screening plan for such menu board and associated apparatus shall be reviewed as part of the site and landscape plan review with the applicable standards in the Architectural Design Standards (ADS) also being applied.
- 4) Menu board signage shall comply with the requirements in the Farragut Sign Ordinance.
- d. The entrance and exit to the drive-through leads to a parking area or service drive. The drive-through lane shall not be directly connected to a public street; and
- e. The design shall minimize vehicle/pedestrian conflicts. The drive-through lane shall not separate parking lots from rear building pedestrian access doors or other pedestrian access ways. Pedestrian routes shall be well delineated and provide direct access from public streets and sidewalks and parking lots to building entrances.

17. Brewpub, provided the following development criteria are met:

- a. All manufacturing, processing, packaging, and distribution equipment shall be maintained within completely enclosed structures. All related storage shall also be contained completely within enclosed structures.
- b. Loading areas in a newly constructed facility shall be screened with opaque materials and shall not be visible from adjacent rights-of-way or residential districts. Such screening shall be architecturally compatible with the building.
- c. For adaptive reuse of existing buildings, newly constructed loading areas should be located to minimize impacts on surrounding rights-of-way and residential areas and screened to the extent feasible. Existing loading areas should be screened to the extent feasible from view from rights-of-way or any adjacent residential district.
- d. The use is conditioned upon obtaining necessary permits from the Town of Farragut Beer Board.

D. *Maximum Building Size and Height:* These maximum building size and height standards are intended to limit the size and intensity of development and to promote a local market orientation. The district is intended to provide for a range of small and medium sized businesses as a convenience to surrounding residential districts in the immediate area.

1. The maximum footprint area for a single-use freestanding building shall be 25,000 square feet.
2. The maximum footprint area for a single multi-use/shopping center building shall be 50,000 square feet with no individual use exceeding 50 percent of the total footprint area of the entire multi-use/shopping center building.
3. Where an abutting property is zoned for detached single family residential development the maximum footprint area for any non-residential building proposed within 75 feet of a peripheral side or rear property line shall be limited to 5,000 square feet. This maximum footprint area may be increased to 7,500 square feet where the abutting property is zoned for attached single family or two family residential development.

4. Where the property located on the opposite side of an abutting public street is zoned residential, the maximum footprint area for any non-residential building proposed within 75 feet of a peripheral front property line shall be 5,000 square feet where said street is classified as a local street on the Town's Major Road Plan; and 7,500 square feet where said street is classified as a collector.
5. No principal building shall exceed 2½ stories or 35 feet in height. No accessory structure shall exceed 15 feet in height, except as provided for elsewhere in this section.

E. *Area regulations.*

1. *Setback requirements.*

- a. *Front yard.* All structures, including parking lots, shall be set back a minimum of 20 feet from the nearest point of any public right-of-way. This excludes signage (which would be subject to the provisions in the sign ordinance), detention basin structures (if associated with a low impact development measure), and/or non-roofed structures that provide for pedestrian engagement with the public street (such as outdoor patios, pedestrian facilities, sitting areas, public art). With the exception of linear pedestrian facilities that connect to similar facilities in the right-of-way, no structures shall encroach into the public right-of-way and/or platted utility easements. Service areas and their associated structures (e.g., dumpsters, loading areas, utility buildings) shall be located to the side or rear of a building to minimize visual impacts from the street and foster a more pedestrian friendly streetscape.
- b. *Side and rear yards.* Unless provided for otherwise in this section, where an adjacent property is zoned residential, all principal buildings that are positioned along a side or rear property line shall be set back a minimum of 25 feet from the nearest side or rear property line(s). Where an adjacent property is zoned non-residential, all structures shall be set back a minimum of ten feet from the nearest side or rear property line(s).
- c. *Accessory structures.* Unless specified otherwise in this section, where an adjacent property is zoned residential, all accessory structures, excluding fences, pedestrian facilities, signage, and structures associated with low impact development stormwater measures, shall be set back a minimum of 25 feet from the nearest side or rear property line.

Mechanical units five tons or greater, dumpsters, and other service areas, and drive-thru lanes, as measured from the outer edge of the outermost vehicle stacking lane, shall be set back a minimum of 50 feet from all side or rear property lines where the abutting property is zoned residential.

In all cases, site related components that could create a potential nuisance to adjoining existing residential developments shall be arranged on the site and buffered to prevent such nuisance from occurring.

2. *Transition areas.*

The intent of this zoning district is to provide smaller scale and less intense development that, in comparison with other commercial zoning districts, will transition more appropriately to nearby residential development.

- a. Unless specified otherwise in this section, where an abutting property is zoned residential, a transition area of at least 25 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 area and 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:
  - 1) 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 25-foot buffer strip, as provided for in chapter 4 of this section. Under this option, the arrangement of plant material may include more flexibility than a traditional buffer strip planting, provided this arrangement best promotes the intended stormwater function of the low impact development measure(s);
  - 2) 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;
  - 3) A traditional planted buffer strip area that complies with the 25-foot buffer strip plantings provided for in chapter 4 of this section;
  - 4) 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 25-foot buffer strip per 100 linear feet;
  - 5) Integrated planned residential development. Residential development may be proposed as a transitional element within a larger overall development plan. The type, placement, scale, and general arrangement of residential building(s) shall be evaluated as provided for in the Transition Area Plan required for this zoning district. The planning commission shall consider both the context of the surrounding area and the plan proposed by the applicant during the evaluation process. Proposed residential building envelopes shall be shown on all concept and final site plans and platted as part of any final subdivision plat. Appropriate legal documentation shall also be provided for review and recorded to assure that all present and future owners are appropriately bound to the approved development plan.

Where a development combines different transition elements, they shall be 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 pedestrian and/or vehicular connections and utilities adjacent to such improvements that bisect the transition area in a generally perpendicular manner.

- b. A transition area plan shall be provided as part of any site plan submittal where a proposed development abuts residentially zoned property. This plan shall specifically demonstrate how the selected transition element(s) and overall development will be compatible with an adjacent residential district. Some key considerations would include an assessment of the surrounding plan of development, how buildings are arranged on the applicant's site, the size of buildings on different portions of the applicant's site, and the placement of structures or other design elements that may create a nuisance in terms of noise, light, smell, or other negative conditions. The planning commission shall refer to the Neighborhood Building Design Transitions section of the Farragut Architectural Design Standards for guidance on evaluating an applicant's proposed transition area plan. Where an applicant does not demonstrate compatibility, the planning commission shall have the authority to deny the site plan.
3. *Maximum lot coverage.* Total lot coverage: 60 percent
  4. *Land area.* The minimum lot size for a Neighborhood/Convenience Commercial district zone shall be one acre.
- F. *Streetscape and outdoor open space.* As part of a site plan review, a context appropriate active and interconnected streetscape with visually appealing and functional public spaces is encouraged. Some specific design objectives would be as follows:
1. Locate and orient outdoor open space (e.g., plazas, courtyards, patios, outdoor seating and benches, small park spaces or landscaped features) to provide a focal point to be actively used.
  2. Provide landscape enhancements (e.g., bioswales, rain gardens, planters, flower gardens) to add visual interest, screen parking areas, and complement outdoor open spaces.
- G. *Connectivity.* Development shall provide for context appropriate 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.
- H. *Low Impact Development.* In terms of stormwater management for new developments, at least 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.

- I. *Parking*. Parking, as regulated in chapter 4.
- J. *Lighting*. Lighting, as regulated in chapter 4; except that the maximum number of footcandles permitted at the property line shall be reduced to 0.0 where a use/development is located adjacent to property that is zoned residential.

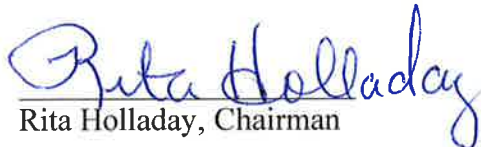
## SECTION 2.

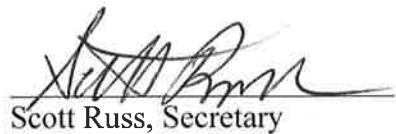
This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

\_\_\_\_\_  
Ron Williams, Mayor

\_\_\_\_\_  
Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this \_\_\_\_\_ day of \_\_\_\_\_, 2022, with approval recommended.

  
Rita Holladay, Chairman

  
Scott Russ, Secretary

**FARRAGUT MUNICIPAL PLANNING COMMISSION**



**REPORT TO THE BOARD OF MAYOR AND ALDERMEN****PREPARED BY:** Mark Shipley, Community Development Director**SUBJECT:** Approval of Ordinance 22-05 on second reading, an ordinance to amend the Farragut Municipal Code, Appendix A – Zoning, Chapter 3, Section XXVI., Planned Commercial Development (PCD), to clarify that uses permitted in the General Commercial or Office zoning districts “may” rather than “shall” be permitted as part of a development plan submitted for a rezoning request to PCD (Town of Farragut, Applicant)

**INTRODUCTION AND BACKGROUND:** During discussion with the Planning Commission, staff noted that this amendment request was initiated by Vice Mayor Povlin and presented as a workshop item to the Board of Mayor and Aldermen at their meeting on December 9, 2021. The PCD District currently allows any use permitted in the General Commercial (C-1) or Office Zoning Districts (O-1, O-1-3, and O-1-5). The requested amendment provides for more review and approval control regarding the uses allowed as part of a PCD project. The required concept plan would establish what uses would be appropriate, as ultimately stipulated by the Board of Mayor and Aldermen through the rezoning process. As reflected in Ordinance 22-05, uses permitted in the General Commercial or Office zoning districts “may” rather than “shall” be permitted.

**DISCUSSION:** At their meeting on February 17, 2022, the Planning Commission unanimously recommended approval of Ordinance 22-05. Community Development Director, Mark Shipley, recommends approval of Ordinance 22-05 on second and final 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           | _____           | _____        | _____          | _____         | _____           |



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## Sec. 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, 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~~ **may** be allowed within the PCD district. Residential and mixed use may also be permitted as part of the Development Plan. Where a

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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 ~~shall~~ **may** 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 [Farragut] Municipal Code, all structures shall be set back from the nearest point of any right-of-way a minimum of 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 set back from the nearest point of any right-of-way a minimum of ten feet;
    - 3) Driveway aisles, access ways, parking lots, and other vehicular ways shall be set back a minimum of 20 feet from all public rights-of-way 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 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 35 feet from all peripheral side and rear property lines, except as provided for elsewhere in this ordinance or the [Farragut] Municipal Code. Any required buffer strip shall be included in the required peripheral structure setback.
  - c. *Transition areas.* Unless specified otherwise in this ordinance, where an abutting property is zoned residential and/or agriculture, a transition area of at least 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

**RESOLUTION PC-22-05**

**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 THE FARRAGUT MUNICIPAL CODE, APPENDIX A., ZONING, CHAPTER 3., SPECIFIC DISTRICT REGULATIONS, SECTION XXVI., PLANNED COMMERCIAL DEVELOPMENT (PCD), TO CLARIFY THAT USES PERMITTED IN THE GENERAL COMMERCIAL OR OFFICE ZONING DISTRICTS “MAY” RATHER THAN “SHALL” BE PERMITTED AS PART OF A DEVELOPMENT PLAN SUBMITTED FOR A REZONING REQUEST TO PCD**

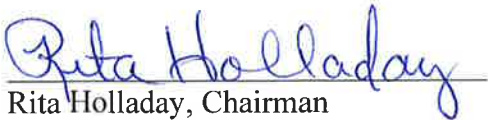
**WHEREAS**, the Tennessee Code Annotated, Section 13-4-201et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

**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 February 17, 2022;

**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 22-05.

ADOPTED this 17<sup>th</sup> day of February 2022.

  
Rita Holladay, Chairman

  
Scott Russ, Secretary

**ORDINANCE:**  
**PREPARED BY:**  
**REQUESTED BY:**  
**1ST READING:**  
**2ND READING:**  
**PUBLISHED IN:**  
**DATE:**

**22-05**  
**Shipley**  
**Staff**

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**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 THE FARRAGUT MUNICIPAL CODE, APPENDIX A., ZONING, CHAPTER 3., SECTION XXVI., PLANNED COMMERCIAL DEVELOPMENT DISTRICT (PCD), TO CLARIFY THAT USES PERMITTED IN THE GENERAL COMMERCIAL OR OFFICE ZONING DISTRICTS “MAY” RATHER THAN “SHALL” BE PERMITTED AS PART OF A DEVELOPMENT PLAN SUBMITTED FOR A REZONING REQUEST TO PCD**

**WHEREAS**, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend the Farragut Municipal Code, Appendix A., Zoning, Chapter 3., Section XXVI., Planned Commercial Development District (PCD), Section C. Minimum standards, Subsection 1. Land uses., a., to change the word “shall” to “may” regarding uses permitted within the general commercial and office districts as also being permitted in the PCD District,

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance, Chapter 3., Section XXVI., Planned Commercial Development District (PCD), Section C. Minimum standards, Subsection 1. Land uses., a., is amended as follows:

## **SECTION 1.**

### **Section XXVI., Planned Commercial Development District (PCD)**

#### **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 may 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 may be permitted and comply as established in Chapter 3, Section XII.F.;

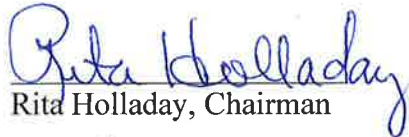
## **SECTION 2.**

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 \_\_\_\_\_, 2022,  
with approval recommended.

  
Rita Holladay, Chairman

  
Scott Russ, Secretary

**FARRAGUT MUNICIPAL PLANNING COMMISSION**



# REPORT TO THE BOARD OF MAYOR AND ALDERMEN

**PREPARED BY:** Lauren Cox, Park & Athletic Coordinator and Sue Stuhl, Parks & Recreation Director

**SUBJECT:** Childcare Business Use of Splashpad at McFee Park

## BACKGROUND:

Use of the McFee Park Splashpad has grown exponentially over the past few years. Childcare businesses (camps, schools, daycares, afterschool programs, etc.) located both inside the Town limits as well as Knox County and surrounding counties have been visiting McFee Park as part of their field trips. Some businesses bring 100+ children to the splashpad at one time which has caused a lot of frustration with families and visitors. Some of the issues with childcare businesses include:

- No pavilion reservation resulting in backpacks and towels covering access to the splashpad.
- Two or more camps occupying the splashpad frequently leaving both the splashpad and the playground over occupancy without any room for Town residents and visitors.
- Camp staff blocking public access to restrooms while campers change before and after splashpad use.
- Camp buses parking in upper lot or entrance drive resulting in loss of parking spaces and access issues.

Parks and recreation staff have tried many different methods to control overuse during the past few years including registration requirements, pavilion reservation requirements, limits on the number of children allowed per group, etc. but have had a lot of pushback from the childcare businesses who have just ignored our requests.

## DISCUSSION:

Parks & recreation staff brought the use issue and reservation recommendations to the Parks & Athletics Council at their Tuesday, March 8 meeting. The council discussed the creation of reservation guidelines for childcare businesses using McFee Park as a field trip destination. The council voted unanimously on the recommendation to limit use of McFee Park splashpad to businesses so that the community has access to park amenities.

### Proposed Summer/After School Business Reservation

- A childcare business (including schools, camps, afterschool, daycares, etc.) is defined as a group of children without parents, guardians or family members in attendance.
- Any childcare business would need to make a pavilion reservation in advance of their visit. If a pavilion is not available, then they cannot visit. Cost of the large pavilion is \$95 and the small pavilion is \$85 for a half day (9 a.m. to 2 p.m.).
- Use can only be between 9 a.m. (for playground; splashpad opens at 10 a.m.) and 2 p.m.
- Reservations may be made Mondays & Wednesdays only.
- Parking must be in the lower parking lot. There is a crosswalk at the entrance of McFee Park that will take the group safely from the lower parking lot to the greenway that leads up to the splashpad/playground area.
- All restrooms at McFee Park are open to the public and access cannot be blocked. Restrooms are not to be used for changing into or out of swimwear– this should be done at the business, camp, etc. before and after the field trip to McFee Park.

If approved, staff will begin notifying the childcare businesses in the area of these new Board approved regulations. We will also push social media notices, media releases and post signs in the park kiosks.

**RECOMMENDATION BY:** Lauren Cox, Park & Athletic Coordinator and Sue Stuhl, Parks & Recreation Director

**PROPOSED MOTION:** Approve reservation guidelines for childcare business use of McFee Park Splashpad.

**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           | _____           | _____        | _____          | _____         | _____           |

**REPORT TO THE BOARD OF MAYOR AND ALDERMEN**

**PREPARED BY:** Brannon Tupper, PE

**SUBJECT:** Approval of Professional Services Agreement with Urban Engineering, Inc. for Design of Additional Tennis Courts at McFee Park

**INTRODUCTION:** The purpose of this item is approval of the proposal from Urban Engineering, Inc. for design of additional tennis courts at McFee Park.

**BACKGROUND:** The Board of Mayor and Aldermen recently affirmed by adopting the Town of Farragut's strategic plan for FY2022-2023 that *Providing excellent parks, recreation, cultural amenities, and programs* is a priority critical success factor. In February 2022, McFee Park Phase 3 was opened to use by the Public which included 4-tennis courts also striped for pickleball. This project continues the improvements that make McFee Park an excellent park for the community.

**DISCUSSION:** The scope of the project will be an expansion of the McFee Park tennis complex, adding additional courts to the east of the new permeable paver parking lot. The professional services agreement with Urban Engineering Inc. will include an evaluation of the proposed location, alternatives for orientation of additional courts, final design plans based on the Town's selection, and assistance with bid and construction administration services. The total fee is Not-To-Exceed \$18,240 and will be billed on an hourly rate based on the attached schedule. Preliminary design is forecast to be completed in 30-days and final design within an additional 30-days after layout selection.

**FINANCIAL SECTION:**

**Project:** McFee Park Additional Tennis Courts

| <u>Project Budget</u> | <u>Requested Amount</u> | <u>Contracted Amount</u> | <u>Remaining Amount</u> |
|-----------------------|-------------------------|--------------------------|-------------------------|
| \$165,000             | \$18,240                | \$0                      | \$146,760               |

Approved By: \_\_\_\_\_

**RECOMMENDATION BY:** Brannon Tupper, Assistant Town Engineer, for approval

**PROPOSED MOTION:** Approval of professional services agreement with Urban Engineering, Inc. for design of additional tennis courts at McFee Park.

**BOARD ACTION:**

**MOTION BY:** \_\_\_\_\_ **SECONDED BY:** \_\_\_\_\_

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



**TOWN OF FARRAGUT**  
**PROFESSIONAL SERVICES AGREEMENT**

This Agreement is made by and between **Town of Farragut** (“Client”) and **Urban Engineering, Incorporated** (“Contractor”) for professional services for the assignment described as follows:

**Project:**        **McFee Park Tennis Court Addition**

**Location:**     McFee Park

**Description of Project:** Evaluate Alternatives and Produce Construction drawings for 2-new tennis courts within McFee Park.

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

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

1.     **Compensation.** Client shall compensate Contractor for the Basic Services as follows: The Contractor will bill monthly on an hourly basis per the attached rate schedule (**Attachment B**) with a ‘not to exceed’ limit of \$18,240 (15.2% of the estimated construction cost, which excludes construction of the tennis court and appurtenances, but includes site preparation for said construction). In addition, Client shall pay Contractor for additional services that may be requested by the Client beyond the Basic Services in accordance with the hourly rate schedule attached as **Attachment B** to this Agreement.

2.     **Schedule.** Contractor shall begin work upon notification of approval of this Agreement by the Board of Mayor and Aldermen. The Contractor shall provide preliminary drawings to the Client within 30-days of receipt of Board approval. The Contractor shall provide final deliverables within 60-days of Board approval.

3.     **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 Contractor, 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 Contractor, Contractor 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.

4. **Time.** Contractor 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 Contractor's control. If such delay or suspension extends more than six (6) months (cumulatively), Contractor'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.

5. **Suspension of Services.** If Client fails to pay any invoice when due or otherwise is in material breach of this Agreement, Contractor may, at its sole discretion, suspend performance of services upon five (5) days' written notice to Client. Contractor 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) Contractor has failed to satisfy the reasons as required by Paragraph 4 hereof. Upon cure of the cause of a justified suspension, Contractor 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.

6. **Standard of Care.** Notwithstanding any other provision of this Agreement or any other document describing the services produced by Client, Contractor 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 Contractor. The parties further agree that Contractor is not a fiduciary of Client.

7. **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 Contractor, Client shall pay Contractor all amounts due for any services performed to the date of termination (plus all reimbursable expenses incurred) as Contractor's sole and exclusive remedy, subject to any setoffs to which the Client is entitled as a result of Contractor's failure to perform as required by this Agreement.

8. **Reuse of Documents.** All documents, including drawings, specifications, and reports, prepared by Contractor 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 Contractor for the specific purposes intended shall be at Client's sole risk and without liability or legal exposure to Contractor. Any such verification and adaption will entitle Contractor to further compensation at rates to be agreed upon by Client and Contractor.

9. **Access to the Site/Jobsite Safety.** Unless otherwise stated, Contractor will have access to the site for activities necessary for the performance of its services. Client agrees that Contractor 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. Contractor 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.

10. **Insurance.** Prior to any access to the Project site, Contractor 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, Contractor 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 liability arising out of work performed by or on behalf of the Contractor. 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 Contractor's 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 Contractor's insurance and shall not contribute with it.

11. **Risk Allocation.** In recognition of the relative risks, rewards, and benefits of the Project to both Client and Contractor, 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 Contractor's services under this Agreement from any cause or causes shall not exceed the amount of Contractor's fee, or One Hundred Thousand Dollars (\$100,000), or the amount of insurance coverage Contractor has, or is required to have, 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.

12. **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.

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

14. **Indemnification.**

a. The Contractor shall defend, indemnify and hold harmless the Client, its officers, employees and agents from any and all liabilities which may arise or be claimed against the Client, its officers, employees and agents or any third party for any and all lawsuits, claims, demands, losses or damages alleged to have arisen from an act or omission of the Contractors, its employers, agents or contractors in performance of this Agreement or from the Contractor'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 Contractor shall save, indemnify and hold the Client harmless from the cost of the defense of any claim, demand, suit or cause of action made or brought against the Client alleging liability referenced above, including, but not limited to, costs, fees, attorney fees, and other expenses of any kind whatsoever arising in connection with the defense of the Client; and the Contractor shall assume and take over the defense of the Client in any such claim, demand, suit, or cause of action upon written notice and demand for same by the Client. The Contractor will have the right to defend the Client with notice and demand for same by the Client. The Contractor will have the right to defend the Client with counsel of its choice that is satisfactory to the Client and the Client will provide reasonable cooperation in the defense as the Contractor may request. The Contractor will not consent to the entry of any judgment or enter into any settlement with respect to an indemnified claim without the prior written consent of the Client, such consent not to be unreasonably withheld or delayed. The Client shall have the right to participate in the defense against the indemnified claims with counsel of its choice at its own expense.

c. The Contractor shall save, indemnify and hold Client harmless and pay judgments that shall be rendered in any such actions, suits, claims or demands against Client alleging liability referenced above.

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

15. **Miscellaneous.**

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

b. The Contractor 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 Contractor, 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 Contractor 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.

g. In the performance of this contract, Contractor will 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 Contract 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: \_\_\_\_\_

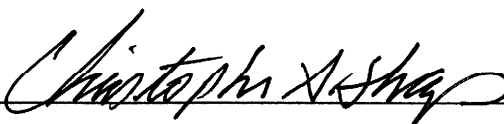
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Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CONTRACTOR:**

By: 

Printed

Name: Christopher A. Sharp

Title: P.E., President

Date: March 14, 2022



# URBAN ENGINEERING, INC.

CIVIL ENGINEERS • LAND PLANNERS

## **ATTACHMENT 'A': Description of Services**

1. Produce a topographic map.
2. Evaluate alternatives for tennis court placement and orientation.
3. Attend meetings with the Town, as necessary.
4. Produce construction drawings for site layout, pedestrian connectivity, site grading and erosion control.
5. If necessary, provide structural drawings for retaining walls.
6. Provide construction administrations, which includes but is not limited to attending meetings in the field, as necessary to answer contractor questions. This service includes reviewing and approving submittals, if necessary.

## EXIIBIT 'B' - HOURLY RATE SCHEDULE

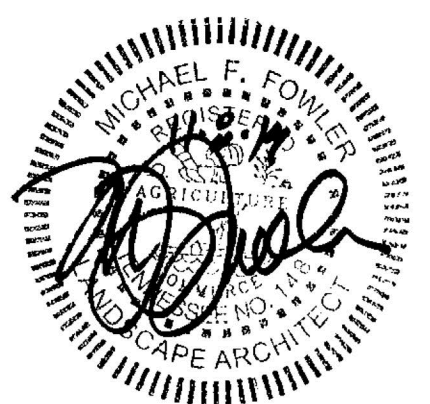
### Urban Engineering Hourly Rates Effective January 1, 2022

|   |                                                                                                                                                            |          |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| * | Principal Engineer                                                                                                                                         | \$155.00 |
| * | GPS Services                                                                                                                                               | \$135.00 |
| * | Project Designer                                                                                                                                           | \$95.00  |
| * | Cad Operator                                                                                                                                               | \$75.00  |
| * | Secretary                                                                                                                                                  | \$45.00  |
| * | Includes equipment, transportation, computer, and other miscellaneous overhead; reproduction costs of completed plans and specifications provided at cost. |          |



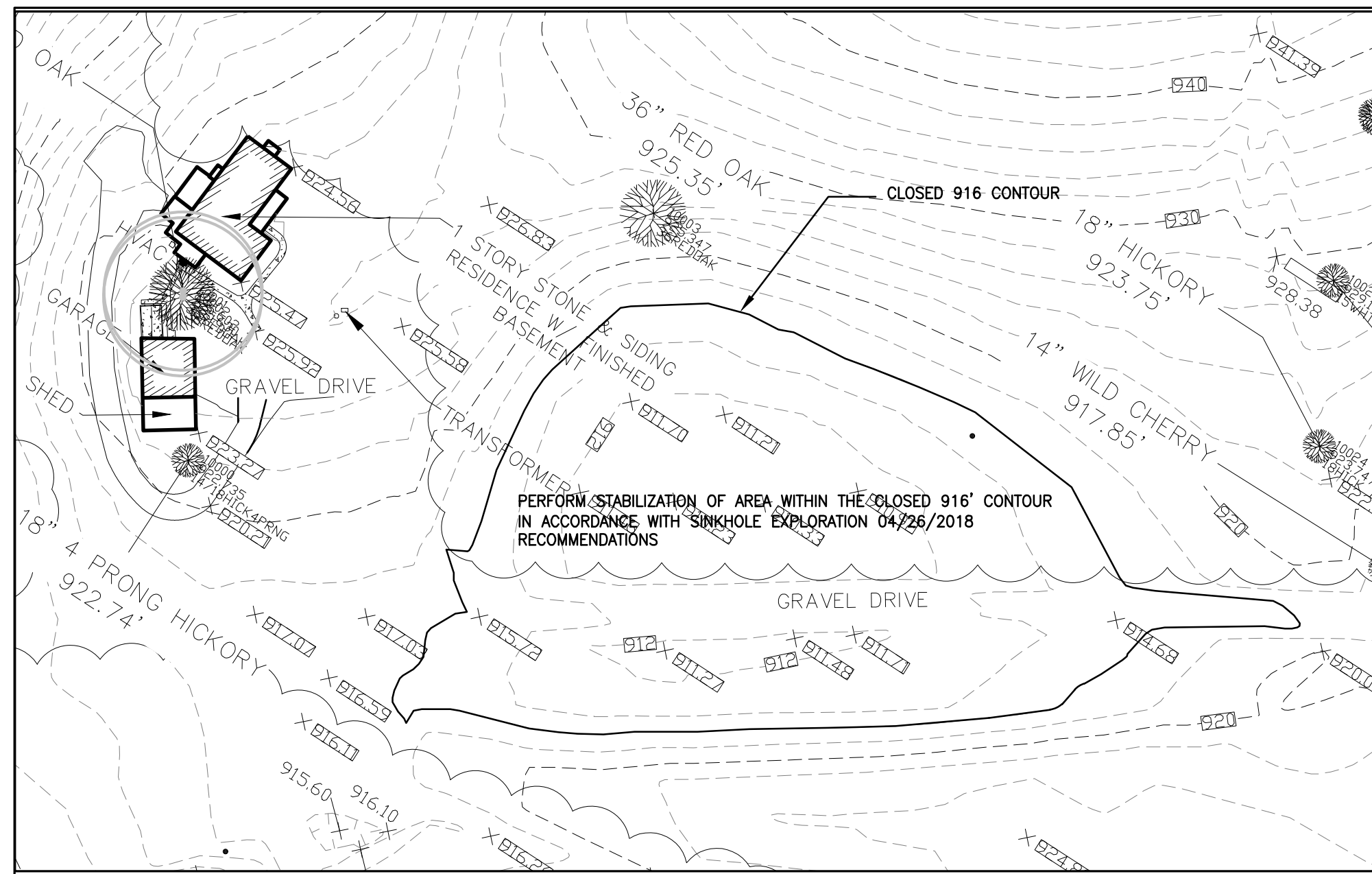
# MC FEE PARK PHASE 3 FARRAGUT, TENNESSEE

12/6/2019

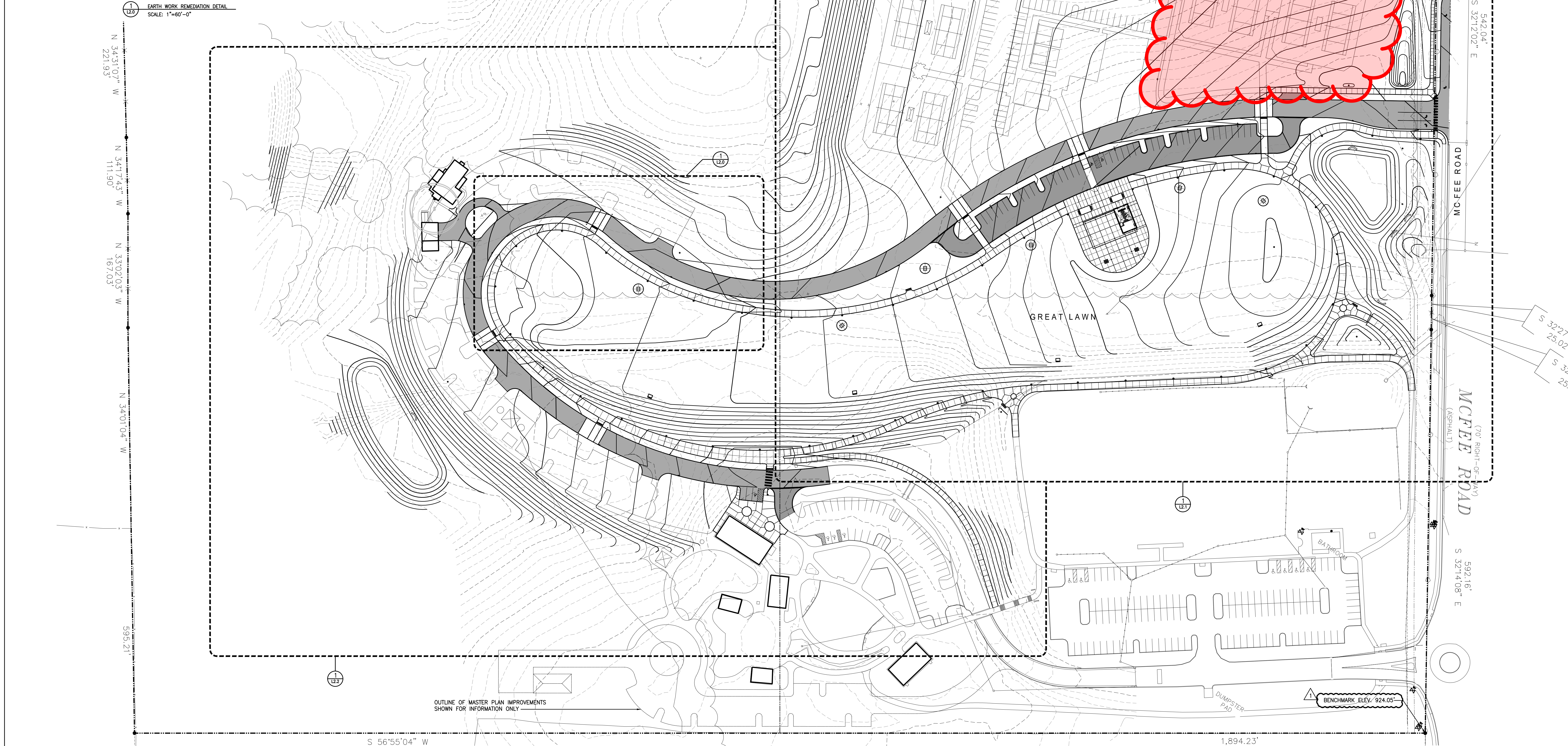


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PROJECT NUMBER: 17011  
ISSUE DATE: 11-08-2019

OVERALL  
SITE PLAN  
BASE BID  
L2.0



LOCATION OF  
ADDITIONAL  
TENNIS COURTS



## SITE NOTES:

1. THE LOCATION OF ALL SURFACE AND UNDERGROUND STRUCTURES AND UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR AT GROUND BREAK. BEFORE DIGGING CALL TENNESSEE ONE CALL 1-800-351-1111. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING STRUCTURES AND UTILITIES FROM DAMAGE AS REQUIRED DURING CONSTRUCTION AND TO REPAIR ANY DAMAGE WHICH SHOULD OCCUR TO THE SATISFACTION OF THE INJURED PARTY.
2. ALL ELEVATIONS ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE CONTRACTOR AT GROUND BREAK. SURVEY PROVIDED BY BENCHMARK ASSOCIATES, INC., 10308 HAWKIN VALLEY ROAD KNOXVILLE, TN 37932. PHONE: 865-692-4090.
3. HALF TONE IMAGES WITHIN LIMITS OF WORK ARE OF EXISTING CONDITIONS WHICH IS SHOWN FOR REFERENCE ONLY.
4. INSTALL EROSION CONTROL SEDIMENT BARRIERS, SILT FENCES, AND TREE PROTECTION DEVICES PRIOR TO STARTING CLEARING AND GRUBBING OPERATIONS. INSTALL APPROVED EROSION CONTROL MEASURES AS SHOWN ON CIVIL DRAWINGS AND AS DIRECTED. MAINTAIN EROSION AND SEDIMENT CONTROL MEASURES DURING CONSTRUCTION AS REQUIRED IN ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, ETC. OF AUTHORITIES HAVING JURISDICTION.
5. PROVIDE RIPRAP CHECK DAMS IN ALL SWALES AS SHOWN ON CIVIL DRAWINGS.
6. STRIP ALL TOPSOIL AND ORGANIC MATERIAL WITHIN THE AREA TO BE GRADED.
7. TOPSOIL SHALL BE STORED ON SITE IN LOCATIONS, SHOWN ON EROSION CONTROL DRAWINGS. DRAINAGE SHALL ROUTE AROUND THESE TOPSOIL STOCKPILES FOR THE DURATION OF THE GRADING OPERATIONS.
8. FINISHED GRADES SHALL SLOPE AWAY FROM BUILDINGS. ALL AREAS SHALL BE GRADED TO BE FREELY DRAINING AND TO PREVENT STANDING WATER. FINISHED GRADES SHALL NOT EXCEED 2.5%.
9. PLACE A MINIMUM 6" OF STOCKPILED TOPSOIL ON CLEAN SUBGRADE WITHIN AREAS DESIGNATED TO BE PLANTED OR SODDED.
10. SEED ALL DISTURBED AREAS IMMEDIATELY UPON COMPLETION OF GRADING OPERATIONS, UNLESS OTHERWISE NOTED. WITH TURF-TYPE TALL FESCUE AT 8 POUNDS PER 1,000 S.F., AND COVER WITH TWO FIFTY POUND BALES OF STRAW MULCH PER 1,000 S.F. HYDROSEEDING SHALL BE AN ACCEPTABLE ALTERNATIVE.
11. ALL LIGHTING FIXTURE LOCATIONS SHALL BE STAKED IN THE FIELD FOR APPROVAL BY THE LANDSCAPE ARCHITECT BEFORE INSTALLATION.

## KEY TO ABBREVIATIONS:

|    |                  |
|----|------------------|
| TC | TOP OF CURB      |
| BC | BOTTOM OF CURB   |
| TR | TOP OF RAMP      |
| BR | BOTTOM OF RAMP   |
| FS | FINISHED SURFACE |
| FG | FINISHED GRADE   |
| HP | HIGH POINT       |
| LP | LOW POINT        |
| TG | TOP OF GRATE     |
| BW | BOTTOM OF WALL   |
| TW | TOP OF WALL      |
| ◆  | EXPANSION JOINT  |

## LIGHTING LEGEND\*:

|                                                 |                        |
|-------------------------------------------------|------------------------|
| SA                                              | PARKING LOT POLE LIGHT |
| SB                                              | PEDESTRIAN POLE LIGHT  |
| SC                                              | BOLLARD                |
| SD                                              | TENNIS COURT LIGHTING  |
| * SEE ELECTRICAL DRAWINGS FOR FIXTURE SELECTION |                        |



0 60 120 180