

ORDINANCE 14-214
AN ORDINANCE TO AMEND ARTICLE I, SECTION 4 OF THE LAND DEVELOPMENT REGULATIONS BY
ADDING PROVISIONS FOR PLANNED DEVELOPMENTS; PROVIDING AN EFFECTIVE DATE

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WHEREAS, the Land Development Regulations currently do not permit the use of Planned Developments; and,

WHEREAS, Planned Developments are a useful development tool that provides flexibility in designing a project to account for the context and specific attributes of a development site; and,

WHEREAS, the City of Lakeland has successfully used a Planned Development process in the past to achieve high quality development that incorporates specific site attributes, natural features, and an appropriate mix of land uses and densities; and,

WHEREAS the City of Lakeland proposes to add provisions for Planned Developments to the Land Development Regulations.

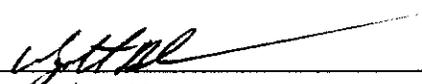
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAKELAND TENNESSEE THAT:

Section 1. The Land Development Regulations are hereby amended, as more fully described in Exhibit "A" attached hereto.

Section 2. The provisions of this Ordinance are severable. If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

Section 3. This Ordinance shall take effect immediately after its final passage, the public welfare requiring it.

First Reading: July 10, 2014.
Public Hearing: August 07, 2014.
Final Reading: August 14, 2014.



Wyatt Bunker, Mayor

ATTEST:


Sontidra L. Thomas, CMC
City Recorder

Exhibit "A"

Article I: Administration T. Planned Developments

SECTION 1 – INTENT

This Article is intended to provide the means and guidelines through which tracts of land may be developed through an overall unified approach, ~~rather than the traditional lot-by-lot treatment afforded by conventional zoning districts in this Ordinance.~~ It is intended to provide a maximum of design freedom to create a better living environment by making the best use of topography and land features, and by granting the developer an opportunity to more fully utilize the physical characteristics of the site that may otherwise not be possible through the standard subdivision approval process defined in the Land Development Regulations, through the reduction of lot sizes, the absence of yard and bulk restrictions and the mixing of uses. Through the requirements of a development plan, it is intended that a better environment will be achieved by the development of property through a unified design that provides continuity between the various uses and elements while still consistent with the intent of the Land Development Regulations.

SECTION 2 – CRITERIA FOR APPROVAL AND RELATIONSHIP TO OTHER REGULATIONS

A. Criteria for Approval

1. Special Permit Required - The Board of Commissioners may, upon proper application and review, grant a Special Permit for a Planned Development to facilitate the use of flexible techniques of land development and site design by providing relief from conventional zoning requirements designed for traditional developments. This permit shall be granted prior to submitting the actual planned development application.
2. Standards and Procedures - The Board may establish standards and procedures to ensure that the proposed uses are compatible to the area surrounding the development prior to the issuance of a Special Permit.
3. Achievement of Objectives - In order to obtain a Special Permit, the proposed planned development must achieve ~~one or more~~ all of the following objectives to ensure that the project is exceptional in nature and is consistent with the overall development intent of the Land Development Regulations. The applicant is responsible for documenting compliance with each of these objectives:
 - a. Design flexibility – The proposed development promotes flexibility in design and permit planned diversification in the location of structures

- b. Protection of natural features – The proposed development protects existing topography and natural features as described in Article II of the Land Development Regulations.
- c. Efficient use of land – The proposed development promotes the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities
- d. Provision of common facilities – The proposed development provides for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures
- e. Architecture – The proposed development will continue and coordinate architectural styles, building forms and building relationships within the planned developments consistent with building types standards found in Article III, Section 3 of the Land Development Regulations.
- f. Quality of construction - A quality of construction commensurate with other developments within the city is ensured
- g. Safe and desirable living environment – The proposed development will create a safe and desirable living environment characterized by a unified building and site development program
- h. Economic development – The proposed development will provide a rational economic development program or phasing of development plan in relation to public services
- i. Traffic circulation – An efficient and effective traffic circulation within and adjacent to the development site will be provided or traffic calming techniques will be utilized as defined in Article II, Section 8 of the Land Development Regulations
- j. Variety and housing choice – The proposed development will create a variety of dwelling units that are compatible with surrounding neighborhoods to provide a greater choice of housing and living environment as defined in Article II of the Land Development Regulations

- k. Well-designed centers – The proposed development will provide attractive and appropriate locations for business and manufacturing uses in well-designed centers

B. Relationship Between Planned Developments and Zoning Districts

1. Planned Development Permitted - Planned Developments shall be permitted in all districts except for FW Floodway. There shall be a minimum area of ~~three (3) acres~~ 15 acres to apply for a Planned Development.
2. Exceptions to District Regulations - Planned Developments may be constructed in any zoning district as described in paragraph 1 above and subject to the standards and procedures set forth below.
 - a. Regulations of zoning districts - Except as expressly modified by the Board of Commissioners by approval of a Preliminary Development Plan, a Planned Development shall be governed by the regulations of the zoning district or districts ~~in which it is located~~ specified in the planned development.
 - b. Modifications Exceptions allowed - Preliminary development plan approval for the Planned Development may provide for certain modifications exceptions from Article II and Article III of the Land Development Regulations as a means to achieve flexibility in design of a planned development. Possible modifications include, but are not limited to, the minimum residential mix requirements per Neighborhood Type, required and/or permitted land uses, required minimum and maximum amount of commercial per neighborhood type. Certain detail requirements should not be modified, including screening and buffer requirements, transitional provisions, landscaping, and street types. the zoning district regulations governing use, area, setback, height, signage, loading, width and other bulk regulations, parking, other design features and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Development, provided Such exceptions shall be are consistent with the standards and criteria contained in this Article; no modification of the district requirements or subdivision regulations may be allowed when the modification would result in:
 - (1) Inadequate or unsafe access to the development

- (2) Traffic volume exceeding the anticipated capacity of the existing or proposed street network in the vicinity of the development
- (3) An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Development
- (4) A development which will be incompatible with the purposes of this Ordinance

3. Exceptions Supersede Conflicting Regulations – Exceptions to the regulations that are approved under the provisions of this Article shall supersede any conflicting Subdivision Regulations and Zoning District restrictions in which the Planned Development is located. In no case shall the uses, intensities, or densities be varied, except as herein provided.

C. Coordination with Subdivision Regulations

1. Standards Subject to Modification - The uniqueness of each proposal for a planned development may require that such things as the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards may be subject to modification from the specifications established in the Subdivision Regulations adopted by the Planning Commission. Modifications may be incorporated only with the review of the Planning Commission and approval of the Board of Commissioners as a variation in the preliminary approval of the subdivision, with the exception of administrative approvals that are otherwise permitted in this ordinance or in the Subdivision Regulations.

2. Subdivision Review - It is the intent of the Ordinance that subdivision review required by the Subdivision Regulations is carried out simultaneously with the review of a Planned Development under this Article of the Zoning Ordinance.

3. Submittal of Development Plans - The Preliminary and/or Final Development Plans submitted under this Article must be submitted in a form that will satisfy the requirements of the Subdivision Regulations for preliminary and final plats. Sketch plans submitted with the Outline Plans do not have to be fully detailed, but shall accurately reflect the intent of the Subdivision Regulations, shall provide sufficient information to evaluate development impacts, and shall be coordinated with a natural features map.

4. Applicable Requirements - The requirements for this Article of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all Planned Developments. All actions of the Board of Commissioners pertaining to Planned Developments shall be based upon a recommendation by the Planning Commission.

D. Coordination with Tree Ordinance

The requirements of the Lakeland Tree Ordinance shall apply to all Planned Developments. A tree stand delineation is required with a Preliminary Development Plan. Deferral of a full tree survey may be allowed to be provided with the Preliminary Development Plan, if utilized. If not deferred for inclusion with a Preliminary Development Plan, all tree survey requirements shall be met and included with the Preliminary Development Plan.

E. Coordination with Stream Management Buffer Requirements

The requirements of the Stream Management Buffer Regulations shall apply to all Planned Developments.

At a minimum, the Preliminary Development Plan shall include a watercourse determination by the Tennessee Department of Environment and Conservation, rationale for determining the stream basin size for each stream, the approximate location on the sketch plan and related documents along the entirety of each stream of the Zone 1 and Zone 2 streamside management buffer , and a note to reference any streamside management buffer stating: "there shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Lakeland".

~~If the Outline Plan option is not utilized, all of the following requirements shall be provided with the Preliminary Development Plan. If the Outline Plan option is utilized, the following items may be deferred to the Preliminary Development Plan. Such~~ The Preliminary Development Plan shall include the field delineated and surveyed existing and proposed forest cover within each streamside management buffer, hydric soils mapped in accordance with the NRCS soil survey of the site area, steep slopes greater than fifteen (15) percent for areas adjacent to and within two hundred (200) feet of streams, wetlands, or other water bodies, a narrative of the species and distribution of existing vegetation within each streamside management buffer, notations providing the locations of permanent boundary markers, location of each streamside management buffer required on any plat document, provide a note to reference any streamside management buffer stating: "there shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Lakeland", provide a note to reference any protective covenants

governing all streamside management buffers stating: "any streamside management buffer shown hereon is subject to protective covenants that may be found in the land records and that restrict disturbance and use of these areas.", and a complete streamside management buffer plan in accordance with Article II of the Lakeland Zoning Ordinance.

SECTION 3 -- STANDARDS AND CRITERIA

A. General Standards and Criteria

The Board of Commissioners may grant a Special Permit which modifies the applicable zoning and subdivision regulations upon written findings and recommendations by the Planning Commission which shall be forwarded pursuant to the provisions contained in this Article.

1. Effect on Surrounding Property - The proposed development will not ~~unduly~~ injure or damage the use, value and enjoyment of surrounding property nor ~~unduly~~ hinder or prevent the development of surrounding property in accordance with the City of Lakeland Comprehensive Plan and current development ~~policies~~ regulations.
2. Availability of Facilities - Water supply, wastewater treatment and disposal and storm water drainage facilities are available and adequate to serve the proposed development.
3. Compatibility with Surrounding Uses - The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses. Any part of the proposed development not used for structures, parking, loading areas or access ways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
4. Consistency with Public Interest - Any modification of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the Preliminary Development Plan and the amenities incorporated therein, and are not inconsistent with the public interest.
5. Owners' Association Required - Homeowners' or property owners' associations or some other responsible party shall be required to maintain any and all common and open space and/or common elements, unless conveyed to a public body which agrees to maintain such areas.

B. General Provisions

The following general provisions shall apply to any Planned Developments created by Special Permit by the Board of Commissioners.

1. Application for Planned Development Permit Required - Each application / submission for a Special Permit for a planned development shall be submitted in accordance with requirements of this Ordinance and the requirements of the Subdivision Regulations. Variations to the requirements of both regulations may be granted upon review and recommendation by the Planning Commission and approval by the Board of Commissioners.
2. Waiver of Board of Appeals Action - No action of the Board of Appeals shall be required in the approval of a Special Permit for a Planned Development.
3. Professional Design - The Outline Plan, Preliminary Development Plan, and Final Development Plans shall contain a certification that the services of one or more of the following professionals were utilized in the design and planning process.
 - a. Urban planner - An urban planner who possesses the education and experience to qualify for membership in a recognized professional planning association.
 - b. Landscape Architect - A practicing landscape architect licensed by the State of Tennessee.
 - c. Architect - A practicing architect licensed by the State of Tennessee
 - d. Civil Engineer - A practicing civil engineer licensed by the State of Tennessee.
4. Completion Period -
 - a. Establishment of completion period - The Planning Commission shall recommend and the Board of Commissioners shall establish a reasonable period of time for the completion of the Planned Development at the time that the Special Permit is granted. The applicant shall supply a plan for development phasing and completion times in the textual portion of the Preliminary Development Plan when the application is submitted. For the purpose of this section, a planned Development is considered complete upon approval of the Final Development Plan.

- b. Relation to available facilities - Each stage shall be planned and related to existing surrounding and available facilities and services such that failure to proceed to subsequent stages will not have an adverse impact on the development or its surroundings at any stage of the development.
- c. Termination of Final Development Plan - ~~If a Final Development Plan has not been approved for any phase of the planned development within the approved completion period, if no actual construction has begun or no use has been established in the Planned Development within the approved time period, the Board of Commissioners with a recommendation from the MPC may, in its discretion, terminate the Final any prior outline plan and/or preliminary development plan approval for that phase(s) Development Plan by giving written notice to the applicant. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development. If actual construction is not commenced within this approved time period, the Final Development Plan may be terminated as provided herein.~~
- d. Extension of completion period - Upon the request of the applicant and review and recommendation of the Planning Commission, the Board of Commissioners may extend for a reasonable time, not to exceed one (1) year, the period for ~~gaining approval of a Final Development Plan, the commencement of actual construction or the establishment of a use of the Planned Development.~~
- e. Notice of revocation - ~~If a Final any portion of a Planned Development Development Plan~~ is terminated under the provisions of this Article, the planned development designation shall be removed from the Official Zoning Map, and a notice of revocation shall be filed on the recorded development plan. The zoning regulations applicable before the development was approved shall then be in effect. For the affected unconstructed portions of the planned development, all Outline Plan, Preliminary, and Final Development Plans shall become void. However, if any portion of the property is constructed or developed as provided by the approved Planned Development, the

remaining constructed or developed portion(s) of the property shall be in conformance with the approved Planned Development regardless of the existing conventional zoning district of the property.

5. Common Open Space and Public Facilities - The requirements of common open space and public facilities shall be in accordance with the provisions of this Article.

- a. Usability - Common open space must be usable for recreational purposes or must provide visual, aesthetic environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Development considering its size, density, expected population, topography and the number and type of structures to be provided.
- b. Improvements - Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any building, structure or improvement to be located in the common open space must be appropriate to the uses which are authorized therefore, and must conserve and enhance the amenities of the common open space with regard to its topography and the intended function.
- c. Coordination with phasing - The development phasing sequence that is part of the Preliminary Development Plan must coordinate the improvements of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings, but in no event shall occupancy permits for any phase of the Final Development Plan be issued unless and until the open space that is part of that phase has been dedicated or conveyed and improved.
- d. Determination of suitability - No common open space of a residential Planned Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners/property owners association or other responsible party unless the Planning Commission has determined that the character and quality of the tract to

be conveyed make it suitable for the purpose for which it was intended.

e. Conveyance - All land shown on the Final Development Plan as common open space may be either:

(1) Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or

(2) Conveyed to an organization for ownership and maintenance subject to the following:

(a) The Planning Commission and Board of Commissioners may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the City of Lakeland and the said dedication be approved by the Board of Commissioners.

(b) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted Final Development Plan, the City may serve written notice upon such organization and/or the owners or residents of the Planned Development. After 30 days when the deficiencies of maintenance are not corrected, the City shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the City determines that the

agency is prepared for the maintenance of the common open space such agency shall continue maintenance for yearly periods.

- (c) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned development that have a right of enjoyment of the common open space and shall become a lien on said properties.
- (d) If the common open space is deeded to a Homeowners' and/or Property Owners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for Preliminary and/or Preliminary Development Plan approval. The provisions shall include, but not be limited to the following:
 - (i) The Association must be set up before the homes or property are sold.
 - (ii) Membership must be mandatory for each home or property buyer, and any successive buyer.

C. Dedication of Public Facilities

In addition to the normal dedications required in the Subdivision Regulations and other City Ordinances, the Planning Commission and the Board of Commissioners may, as a condition of approval and adoption and in accordance with the Preliminary or Final Development Plan, require that additional suitable areas for streets, public rights-of-way, schools, parks and other public areas be set aside, improved and/or dedicated for public use.

D. Relation to Utilities and Public Facilities

Planned Developments shall be located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utility systems and installations so that neither extension nor enlargement of such systems will be required in manner, form character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such planned developments shall be located with

respect to schools, parks, playgrounds and other public facilities required so as to have access in the same degree as would development in a form generally permitted in the area.

E. Relation to Major Transportation Facilities

Planned Developments shall be located with respect to major arterials, collector streets, or other transportation facilities to provide access without creating unnecessary traffic along minor streets in residential neighborhoods outside such developments.

F. Vehicular Movement and Standards

1. Street Design - The street design should include a clearly defined hierarchical street system. Streets, drives, parking and service areas must provide a safe and convenient access to development and project facilities, and for service and emergency vehicles. ~~Streets will not be laid out as to encourage outside traffic to traverse the development on minor streets or occupy more land than is required to provide access as needed or create unnecessary fragmentation of the development into small tracts.~~ The street network shall be designed according to the standards described in Article II, Section 8 of the Land Development Regulations regarding street design.

2. Access - Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Public access points shall be determined based on Article II, Section 8(D.2) of the Land Development Regulations.

3. Private streets - ~~The methods for designing and constructing private streets are flexible. If no agreement between the developer and the City Engineer can be reached, then private streets must be designed and built according to the City of Lakeland's "Subdivision Standards" unless modified by the Planning Commission; construction plans are subject to approval by the City Engineer.~~ Private streets may be utilized and shall follow the standards established in Article II, Section 8(A)4.b of the Land Development Regulations.

4. Traffic Calming Techniques – Certain flexibility will be allowed for the use of generally accepted traffic calming techniques within the Planned Development. Acceptable techniques include but are not limited to such things as speed ~~humps~~ tables, chicanes, raised crosswalks,

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roundabouts/traffic circles, traffic diverters, curb extensions or ~~radius reductions and~~ raised median islands.

G. Pedestrian and Bicycle Movement

1. Pedestrian and Bicycle Paths – Pedestrian and/or bicycle paths shall be in accordance with the Lakeland Park Master Plan and Comprehensive Plan and designed according to Article II, Section 8 of the Land Development Regulations. Internal pedestrian and bicycle paths shall be provided within Planned Developments and provide linkages to the Greenway System. Access for pedestrian and cyclists shall be arranged to provide safe, convenient routes and need not be limited to the vehicular access points.

2. Walkways – Pedestrian walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units, to all project facilities and to off-site destinations likely to attract substantial pedestrian traffic. Walkways to be used by substantial numbers of children as play areas or routes to school or other principal destinations shall be so located and safeguarded as to minimize contacts with normal automobile traffic. Street crossings shall be held to a minimum on such walkways, located and designed to promote safety, appropriately marked and otherwise safeguarded. ~~If substantial bicycle traffic is anticipated,~~ Bicycle paths may be incorporated into the walkway system. Pedestrian ways, appropriately located, designed and constructed, may also be combined with other easements.

H. Relationships with Adjoining Developments

1. Design - The design of any Planned Development shall illustrate how land uses within the Planned Development will blend harmoniously with adjacent land uses.

2. Screening - Screening shall be provided as required in Article III, Section 5(k) of the Land Development Regulations ~~such as fences, walls or vegetative screening shall be provided along the edges of Planned Developments where needed~~ to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from similar adverse influences within the Planned Development. ~~Screening requirements may be waived where terrain makes protection against overview impracticable.~~

I. Specific Standards and Criteria for Residential Planned Developments

1. Purpose of Residential Planned Developments - It is the intent and purpose of residential Planned Developments to permit innovative design and to enhance the environmental quality of residential development consistent with the purpose and intent of the Land Development Regulations but with added flexibility to account for unique circumstances on individual properties. ~~beyond what can be achieved under conventional zoning districts and standard subdivision development.~~ The ~~clustering~~ arrangement of lots, protection of significant environmental features of the land, and the provision of public benefit features are important features of residential Planned Developments.

2. Definition of Residential Planned Development - A development shall be considered a residential planned development if it contains a single residential use or a combination of residential uses, including multi-family residential, in accordance with the permitted use provisions in this chapter.

3. Additional Requirements and Standards - In addition to the general standards and general provisions set forth above, planned residential developments shall comply with the following requirements and standards:

a. Permitted Uses - Within Residential Planned Developments, any permitted use, accessory use, or conditional use permitted in any residential district may be allowed, subject to review of the Planning Commission and approval of the Board of Commissioners.

b. Evaluation criteria - The following factors shall be considered in the evaluation of residential Planned Developments:

(1) Preservation of existing major environmental features of the site including but not limited to major stands of trees, significant historical features, protection of scenic corridors, and protection of drainage ways.

(2) Provision of additional recreational uses and facilities, or imagination in recreation design such as providing club houses, swimming pools, tennis courts and other major facilities.

(3) Providing land for parks, recreation areas, schools, police and fire protection and other public facilities that serve or are proposed to serve the Planned Development.

Such facilities shall be in addition to required facilities or dedication of land under conventional subdivisions.

(4) Development of a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators.

(5) Exceptional design of the automobile circulation system ~~as defined in Article II, Section 8 of the Land Development Regulations regarding street design, to include a minimum of paved surfaces.~~

(6) The inclusion of traffic calming techniques such as speed humps, ~~tables~~, chicanes, raised crosswalks, traffic circles, curb extensions, ~~or radius reductions~~, traffic diverters and raised median islands in the road design.

(7) Combining distinctiveness and excellence in architectural setting and design.

(8) Provision of subdivision entrance and fencing treatments along roadways.

(9) Providing a comprehensive fencing or screening system, which offers the greatest possible degree of privacy.

(10) Providing enclosed or sub-surface parking where applicable.

c. Site Accessibility - All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the residential Planned Development as defined in Article II, Section 8 of the Land Development Regulations. ~~but may be designed to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.~~

d. Off-Street Parking –

(1) Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be

provided, maintained and lighted for night use. Screening of parking and service areas shall be required as defined in Article III, Section 5(K) of the Land Development Regulations. ~~through use of trees, shrubs, berms and/or hedges and screening walls.~~

(2) The pedestrian circulation system and its related walkways shall be separated from the vehicular street system wherever possible in order to provide an appropriate degree of separation of pedestrian and vehicular movement as defined in Article III, Section 5 and Article II Section G of the Land Development Regulations.

J. Specific Standards and Criteria for Non-residential Planned Developments (Office, Commercial, Industrial)

A development shall be considered a Non-residential Planned Development if it contains office, commercial or industrial uses or any combination thereof. In addition to the general standards and criteria outlined in this Article, Non-residential Planned Developments shall comply with the following standards:

1. Limits of Residential Uses - Except for hotels and motels, no buildings within a Non-residential Planned Development shall be designed, constructed, structurally altered or used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises. This provision shall not be applicable in Planned Development Special Permits approved for mixed uses.
2. Screening - When structures or uses in a Non-residential Planned Development abut a residential district or residential buildings are permitted in the same development, screening and buffering shall be provided as required in Article III, Section 5(K) of the Land Development Regulations.
3. Display of Merchandise - All business, manufacturing and processing and all merchandise and materials shall be conducted, displayed or stored within a completely enclosed building or within an open area that is completely screened from the view of adjacent properties and public rights-of-way. However, where automobile service stations or gasoline sales are permitted, gasoline may be sold from pumps outside of a structure.
4. Accessibility - The site shall be accessible from the existing and proposed street network in the vicinity. The street network shall be

adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located therein and may be designed to discourage outside through traffic from traversing the development. Shared driveways or access points shall be encouraged.

5. Landscaping - Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. Buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining property, property owners, and occupants. ~~buildings.~~

K. Mixed Use Planned Developments

Planned Developments that do not qualify as Residential Planned Developments and that are not exclusively for Office, Commercial or Industrial uses shall be considered Mixed Use Planned Developments and shall be subject to all of the applicable standards contained in this Article.

SECTION 4 – PROCEDURE FOR APPROVAL

The provisions of this Section govern the procedures for approval of all Planned Developments (residential, non-residential, mixed use) provided herein. Prior to commencing with the following procedure for approval, the applicant must be granted permission from the BOC with a recommendation from the MPC to utilize the planned development process as described in Section 2(A.1) of this ordinance.

A. Pre-Application Conference -

1. Request for conference - The prospective applicant shall request a Pre-application Conference with the City of Lakeland professional staff. The purpose of the Pre-application Conference is to afford the developer an opportunity to avail him/herself of the advice and assistance of the professional staff of the Planning Commission before the planned development is formally submitted for approval. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed Planned Development and a list of professional consultants advising the prospective applicant.
2. Pre-application submittal - The pre-application submittal shall include the following:
 - a. A map showing property lines and dimensions;

- b. A written statement generally describing the proposed planned development and the market it is intended to serve
 - c. Schematic drawings at an appropriate scale for the size of the project.
3. Participation in conference - The Pre-application Conference shall, at minimum, consist of the developer, their consulting engineers and/or planners and the following representatives from the City of Lakeland:
- a. City Engineer or their designee
 - c. City Manager or their designee
 - d. Planning Director
4. Response from City Staff - The response from the City of Lakeland Staff shall not be binding upon the City of Lakeland Planning Commission or Board of Commissioners.

B. Outline Plan

Following a pre-application conference with City staff, the applicant shall submit a request for an Outline Plan to the Planning Commission with the application for a Planned Development, all required fees and associated documentation. If the planned development is less than fifty (50) acres, the applicant may exclude this step and begin with the Preliminary Development Plan. The Preliminary Development Plan shall include as a minimum:

- a) A legal description prepared by and certified by a licensed surveyor or civil engineer in a form acceptable to the City of Lakeland of the total site proposed for development.
- b) A statement of current and proposed ownership and existing and proposed zoning.
- c) A statement of planning objectives to be achieved by the Planned Development through the design and use mixture approach proposed by the applicant. This statement should include a detailed description of the character of the proposed development;
- d) Quantitative data for the following:

- i) Total acreage of the development and acreages devoted to specific uses. Any proposed phases shall be indicated.
 - ii) Requested uses shall be designated by references to appropriate Lakeland Zoning Districts, including permitted use sections, densities, and bulk and area requirements. Deviations from the specific district regulations shall be requested in writing.
 - iii) Approximate densities of development shall be indicated on the application and required plan.
 - iv) Approximate acreage to be maintained as common acres and proposed maintenance plans.
 - v) Appropriate studies, if applicable, (depending on the size and complexity of the development as determined by the Planning Director and Engineer) used in the development of the Outline Plan, such as but not limited to soils analysis, an economic feasibility study, a transportation impact study, an environmental inventory and impact analysis, a housing study, market analysis, and utility and infrastructure requirements.
- e) The Outline Plan shall include one or more graphic presentation maps. The Plan map shall include as a minimum the following:
- i) A property survey prepared and certified by a licensed surveyor or civil engineer in a form or other description acceptable to the Lakeland Planning Commission on a scale approved by the Planning Commission;
 - ii) A contour map on two (2')-foot intervals noting water courses, designated floodplains, identified aquifers or wetlands, and areas with slopes in excess of ten (10%) percent;
 - iii) Aerial photographs or a surveyed drawing noting major natural features such as forested areas, lakes, streams, and existing uses and transportation features;
 - iv) A Transportation Plan showing all existing and proposed arterial and collector status streets, as well as existing minor residential streets, and design concepts to be utilized such as frontage roads and internal circulation concepts should be submitted in the written documents and illustrations provided;
 - v) A drainage analysis and plan;

- vi) Location of existing utilities, public facilities, proposed open space, and recreational or natural preservation areas;
- vii) A General Plan for provisions of utilities;
- viii) Proposed zoning scheme noting areas for residential, commercial, and industrial uses;
- ix) A Tree Preservation Plan; and
- x) Conceptual lot lines and plot designs.

C. Outline Plan Approval Process and Effect of Approval -

1. Application / Submission - On a date and time no later than the corresponding filing deadline for the Planning Commission meeting at which it is to be considered, as indicated in the approved Annual Planning Commission Filing and Meeting Schedule, the owner of the property or their agent shall submit to the Planning Commission the Outline Plan, a completed application form, and all other information required under this Article. The Planning Commission shall review the application / submission and shall recommend to the Board of Commissioners to approve, disapprove or approve the Outline plan ~~Planned Development~~ subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until its next meeting.

2. Appeal - Any owner or their agent may appeal to the Board of Commissioners any recommendation or condition of the Planning Commission by filing written notice of appeal at least seven (7) days prior to review by the Board of Commissioners. However, the applicant shall submit an Outline Plan incorporating any and all conditions not appealed within ninety (90) days after the Planning Commission's decision on the requested Planned Development or the application shall be deemed withdrawn.

3. Public Hearing - The Planning Commission during its deliberation shall facilitate public comment concerning the proposed ~~Planned Development and~~ Outline Plan. The Board of Commissioners shall hold a public hearing on the application for the ~~Planned Development and~~ the Outline Plan after receipt of recommendations from the Planning Commission and any notice of appeal. The Board of Commissioners shall render a decision on any appeal and shall approve, disapprove, or approve the proposed Planned Development and

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Outline Plan subject to conditions. If approved the Board shall set forth the conditions imposed.

4. Effect of Approval - The approved Outline Plan shall bind the applicant, owner and mortgagee, if any, with respect to the contents of such plan.

5. Amendment to Schedule - The Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

D. Preliminary Development Plan Approval Process and Effect of Approval

1. Application Deadline - An optional application / submission for approval of a Preliminary Development Plan of the entire Planned Development, if it is to be completed in one phase, or of a portion of the Planned Development, if it consists of more than one phase, shall be submitted, when complete, by the applicant on a date and time no later than the corresponding filing deadline for the Planning Commission meeting at which it is to be considered, as indicated in the approved Annual Planning Commission Filing and Meeting Schedule, and in sufficient time so that the applicant may develop the Planned Development in accordance with the phasing schedule, if any, of the approved Preliminary Development Plan.

An application shall not be considered complete and available for docketing at the Planning Commission until all of the filing requirements of this article are provided and on file with the City of Lakeland on or prior to the applicable filing deadline as stated herein.

2. Application / Submission Materials - The application / submission for Preliminary Development Plan approval shall be filed with the Planning Commission and shall include, but not be limited to the following, if not supplied previously with the Preliminary Development Plan:

- a. Tree survey per the Lakeland Tree Management Ordinance.
- b. Selected Stream Management Buffer requirements, as stated in Section 2 of this article.
- c. Preliminary Plat

- d. Subdivision covenants and restrictions.
- e. All quantitative and data requirements of the Preliminary Development Plan, shall be presented in final form, unless a specific requirement is expressly waived and deferred to a subsequent approval step by the Planning Commission.
- f. Detailed design guidelines including, but not limited to, building elevations, architectural renderings, design standards, and floor plans, for structures and improvements, in accordance with the documentation provided with the preliminary development plan, unless a specific requirement is expressly waived and deferred to a subsequent approval step by the Planning Commission. If necessary, any refinements to the standards and guidelines submitted with the preliminary development plan shall be provided with the detailed design guidelines, so that building permits subsequently approved shall be in substantial compliance with the detailed design guidelines.

Standards, renderings, and proposed elevations shall be in substantial compliance with Lakeland Municipal Code, Chapter 14, Chapter 11, Architectural Design Standards, if applicable. The Planning Commission may waive Chapter 11 requirements for a mixed use development. For a mixed use development for which waivers of Chapter 11 are considered, each applicable standard that is waived shall be individually and expressly waived in writing. For each item waived, the applicant shall be required to provide alternative written standards, renderings, and elevations, or a written rationale as to why compliance cannot be achieved for the applicable item.

- g. The general location, arrangement, and design of architectural, wall, or pole lighting, typical specifications and fixture types, pole types, and lighting levels. Plans shall be in ~~substantial~~ compliance with Article III, Section 13 of the Land Development Regulations regarding Lakeland Municipal Code, Chapter 14, Chapter 10, Site Lighting Standards, if applicable. If waivers are requested and an item is waived, each applicable standard that is waived shall be individually and expressly waived in writing.

For a ~~preliminary development plan or a~~ Preliminary Development Plan, public notice for hearings shall be given to all interested parties or property owners to facilitate public comment in the following manner:

1. Notice by Publication. Notice shall be published by the Municipal Planning Commission and the Board of Commissioners at least fifteen (15) days prior to the date of the Planning Commission and Board of Commissioners meetings, respectively.
2. Notice by Mailing. Notice, in a form approved by the Growth Management Director or Deputy Growth Management Director shall be mailed by the applicant to each interested party. Notice by mailing shall be given by first class mail at least fifteen (15) days prior to the Planning Commission hearing and Board of Commissioners hearing, respectively.

Interested parties shall include all owners of adjoining parcels to a depth of one thousand (1,000) feet surrounding the perimeter of the area included in the application. Interested parties shall also include the City of Lakeland and any other agency required by the City at the time of application, including at a minimum, Memphis Gas Light and Water, and Shelby County Schools.

3. Posted Notice on Subject Property. Notice on a form prescribed by the Growth Management Director or Deputy Growth Management Director, shall be posted by the applicant in a conspicuous place on the subject property at least fifteen (15) days prior to the date of the Planning Commission and Board of Commissioners hearings, respectively.
4. Affidavit of Notice. Applicant shall file a notarized Affidavit of Notice, in a form as specified by the Department of Planning and Zoning, indicating compliance with the above notice requirements prior to the Planning Commission and Board of Commissioners meetings, respectively. The names and addresses and parcel location map of each interested party shall be attached and incorporated with the affidavit.

E. F. Construction Plans

The Planning Commission in accordance with the Subdivision Regulations and/or this Ordinance shall review the construction plans for the entire development or a phase of the development, as applicable.

F. G. Final Development Plan Approval Process -

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1. Application / Submission Deadline - An application / submission for approval of a Final Development Plan of the entire Planned Development, if it is to be completed in one phase, or of a portion of the Planned Development, if it consists of more than one phase, shall be submitted by the applicant on a date and time no later than the corresponding filing deadline for the Planning Commission meeting at which it is to be considered, as indicated in the approved Annual Planning Commission Filing and Meeting Schedule, and in sufficient time so that the applicant may develop the Planned Development in accordance with the phasing schedule, if any, of the approved Preliminary Development Plan.

An application shall not be considered complete and available for docketing at the Planning Commission until all of the filing requirements of this article are provided and on file with the City of Lakeland on or prior to the applicable filing deadline as stated herein.

2. Application / Submission Materials - The application / submission for Final Development Plan approval shall be filed with the Planning Commission and shall include, but not be limited to the following:

- a. A plan suitable for recording with the Shelby County Register's Office
- b. Proof referred to on the plan and satisfactory to the City Attorney as to the provision and maintenance of common open space
- c. All certificates, seals and signatures required for the dedication of land and recordation of documents
- d. Location and type of existing and proposed landscaping
- e. Location and dimensions of utility and drainage facilities
- f. All textual information (such as descriptions, objectives, quantitative data, tabulations, bulk standards, and conditions) of the Preliminary Development Plan, and all other known conditions of approval stated as part of the Special Permit granted by the Board of Commissioners, shall be provided on a separate plan sheet(s).

- g. All other requirements of a Final Plan and Final Plat under the Lakeland Subdivision Regulations and/or this Ordinance
- 3. Planning Commission Review - The Planning Commission shall review the plan and determine whether the final plan substantially conforms or substantially deviates from an approved ~~Preliminary Development Plan and / or~~ Preliminary Development Plan. Substantial Deviation from the approved Preliminary Development Plan shall be sufficient cause for denial of the application.
- 4. Planning Commission Decision - The Planning Commission shall render a decision on a Final Development Plan. If a final plan is disapproved by the Planning Commission, the applicant may file a Final Development Plan, which substantially conforms to the approved preliminary plan or the applicant may file for an amendment to the approved Preliminary Development Plan.
- 5. Recording the Final Plan - After a Final Development Plan is approved by the Planning Commission, the plan shall be recorded in the Shelby County Register's Office after receipt of any necessary, security, fees and contracts to provide improvements required in the City of Lakeland Subdivision Regulations and the required signatures for a recordation have been secured.

G. H. Site Plan Review

All site plan reviews required under the provisions of Article III of this Zoning Ordinance shall be completed before building permits are issued for applicable phases of any Planned Development. If requested by the applicant, recommended by the Planning Commission, and approved by the Board of Commissioners, site plan requirements can optionally be reviewed concurrently with the development plans herein.

H. I. Zoning Administration and Permits –

- 1. Issuance of building permit - The Building Official may issue building permits for the area of the Planned Development covered by the approved Final Development Plan for work in conformity with the approved Final Development Plan and with all other applicable Ordinances and regulations.
- 2. Non-issuance of building permit - The Building Official shall not issue an occupancy permit for any building or structure shown on the Final Development Plan of any stage of the Planned Development unless the

open spaces and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowner's Association or a responsible party.

3. Certificate of Occupancy - The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved Final Development Plan, if the completed building or structures conforms to the requirements of the approved Final Development Plan and all other applicable regulations and Ordinances.

J. Reapplication if Denied

If any application / submission for a Planned Development is denied by the Board of Commissioners, a reapplication pertaining to the same property and requesting the same Planned Development may not be filed within twelve (12) months of the date final action was taken on the previous application / submission, unless such reapplication is initiated by the Planning Commission or authorized by the Board of Commissioners.

K. Procedure for Amendment

A Planned Development and the approved Preliminary Development Plan and/or Final Development Plan, ~~as revised by the Preliminary Development Plan (if any),~~ may be amended in accordance with the procedure which governed the Preliminary Development Plan approval as set forth in this Article.

Any material change, including but not limited to, any increase in density or intensity of use, a change in the mix of land uses, any decrease in open or recreational space, any material change in layout, any change materially affecting the site's natural resources, any additional structures or substantial changes to structures, any material change to design treatments, any material change to the location, number, or types of lighting, signage, or fencing (if part of the approved development plan), any material change to a pedestrian or bicycle facility, any material deviation from the approved conditions, or any modification of the phasing plan, shall be deemed to be a substantial deviation requiring the applicant to seek a Preliminary Development Plan amendment.

L. Post Completion Certificate

Upon completion of a Planned Development in accordance with the approved Final Development Plan, the Building Official shall issue a certificate certifying its completion.