

TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER

1. MUNICIPAL PARKS AND RECREATION ADVISORY BOARD.
2. LAKELAND DESIGN REVIEW COMMISSION.
3. ECONOMIC DEVELOPMENT COMMISSION.
4. BOARD OF APPEALS.
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CHAPTER 1

MUNICIPAL PARKS AND RECREATION ADVISORY BOARD

SECTION

- 2-101. Creation.
- 2-102. Membership.
- 2-103. Current members.
- 2-104. By-laws.

2-101. Creation. There is hereby created a Municipal Parks and Recreation Advisory Board (PRB). Said board shall conduct its affairs in a manner that will be determined by the governing body of the city in resolutions passed by the governing body. (Ord. #00-07, June 2000)

2-102. Membership. The PRB shall consist of seven (7) members, one of which shall be a member of the governing body of the City of Lakeland appointed by that body. Six (6) members will be appointed by the governing body of the city for three (3) year staggered terms, with two (2) members appointed each year. Park board members may be reappointed. (Ord. #00-07, June 2000, as amended by Ord. #02-08, July 2002)

2-103. Current members. The terms of current members in good standing at the time of this amendment will expire as determined by Resolution 2001/12-89 of the Lakeland Board of Commissioners. Park board members may be reappointed. All reappointments are for three (3) year terms. (Ord. #00-07, June 2000, as amended by Ord. #02-08, July 2002)

2-104. By-laws. The PRB will develop by-laws that will be submitted to the city manager for review, approval and official recording as board policy. (Ord. #00-07, June 2000, as amended by Ord. #02-08, July 2002)

¹Municipal Code reference
Fee schedule; copies of by laws, etc.: appendix A.

CHAPTER 2**LAKELAND DESIGN REVIEW COMMISSION****SECTION**

- 2-201. Purpose.
- 2-202. Membership.
- 2-203. Terms and seats.
- 2-204. Organization and meetings.
- 2-205. Powers and duties.
- 2-206. Procedures.
- 2-207. Criteria for approval.
- 2-208. Appeals.
- 2-209. Conflicts of interest.

2-201. Purpose. A community design and review commission, hereinafter in this code referred to as the "LDRC", is hereby established to develop specific review procedures for all non-single-family residential detached construction or development and associated accessory structures having an influence upon the appearance of the environment of the community and to apply such procedures in either approving or disapproving proposals for such improvements in the city. (1989 Code, § 4-301, as amended by Ord. #98-02, May 1998, and Ord. #00-14, Dec. 2000)

2-202. Membership. The LDRC shall consist of seven (7) Lakeland resident members, all of whom and a vote, and shall be appointed by the mayor with the approval of a majority vote of the board of commissioners, membership shall be one (1) commissioner and six (6) resident citizen members, it is recommended that four (4) members should be recognized practitioners whenever possible in any of the following fields: architecture, engineering, urban planning, residential/commercial construction, graphic design, landscaping and/or retail business endeavors. (Ord. #176, Nov. 1995, as amended by Ord. #207, July 1997, Ord. #98-02, May 1998, and Ord. #00-14, Dec. 2000, and replaced by Ord. #08-126, Dec. 2008)

2-203. Terms and seats. (1) **Terms.** The terms of the six (6) citizen members of the LDRC shall be for three (3) years or until their successors are appointed and will expire in staggered fashion as set forth below. The term of the BOC liaison shall be for one (1) year or until a successor is appointed. Appointments shall be made annually at the December board of commissioners regular meeting or a special called meeting, and shall be effective January 1 of each calendar year or at such other time as may be designated by the mayor. If a vacancy occurs, a replacement shall be appointed by the mayor to fill the unexpired term. All members of the LDRC shall serve without compensation and members may be removed at any time by the mayor.

(2) **Seats.** There are hereby created six (6) distinct seats for the citizen members of the LDRC. Said seats shall be designated as seat 1, seat 2, seat 3, seat 4, seat 5 and seat 6.

Seat 1 of the LDRC is hereby created with a term of office ending 12/31/2010.

Seat 2 of the LDRC is hereby created with a term of office ending 12/31/2010.

Seat 3 of the LDRC is hereby created with a term of office ending 12/31/2011.

Seat 4 of the LDRC is hereby created with a term of office ending 12/31/2011.

Seat 5 of the LDRC is hereby created with a term of office ending 12/31/2012.

Seat 6 of the LDRC is hereby created with a term of office ending 12/31/2012. (Ord. #176, Nov. 1995, as amended by Ord. #207, July 1997, Ord. #98-02, May 1998, and Ord. #00-14, Dec. 2000, and replaced by Ord. #10-148, May 2010)

2-204. Organization and meetings. At the first regular meeting of each calendar year, the LDRC shall select a chairperson, vice, chairperson and secretary who shall be selected from citizen members only and have such duties normally conferred by parliamentary usage of such officers. Meetings of the LDRC shall be held on a monthly basis, when required to review and/or resolve matters within its purview. The LDRC shall establish by-laws to delineate procedures and criteria to govern the conduct of the review of matters brought before it. The bylaws are to be reviewed and approved by the city manager. The LDRC secretary or a designated city staff member shall keep minutes of the LDRC proceedings, and copies of such minutes bearing the signature of the secretary shall be transmitted to the city recorder to be kept as permanent records. (1989 Code, § 4-304, as amended by Ord. #176, Nov. 1995, Ord. #98-02, May 1998, and Ord. #00-14, Dec. 2000, and replaced by Ord. #08-126, Dec. 2008)

2-205. Powers and duties. The following are subject to LDRC review approvals:

(1) Exterior appearances of all proposed construction except, single family detached residential structures and associated accessory structures.

(2) Construction, exterior alteration, moving, demolition or change in use of either land and/or buildings in commercial or historical districts and planned developmental proposals of any nature.

(3) Signs, lighting and parking.

(4) Fences and landscaping.

(5) All subdivision entrance treatment. (1989 Code, § 4-305, as amended by Ord. #98-02, May 1998, and Ord. #00-14, Dec. 2000)

2-206. Procedures. All plans for non-single-family residential detached construction and associated accessory structures shall be submitted to the LDRC for approval in accordance with established procedures prior to the issuance of permits by the building official. Site plan approval and other approvals required from the municipal planning commission shall be obtained prior to submission to the LDRC.

(1) Within thirty (30) days after application shall have been submitted, the city staff shall examine same and present it to the members of the LDRC for examination and determination of whether the proposed structure will conform to proper urban design standards and be conducive to the proper architectural development of the city. The chairperson of the LDRC may request the applicant or his representative to appear at the LDRC meeting. The LDRC shall

act as expeditiously as practicable, and in no event shall any applicant be caused unreasonable delay.

(2) At the meeting or at a meeting within fifteen (15) days subsequent thereto, the LDRC shall approve the application if, in its opinion, the proposed development will conform to proper urban design standards and be conducive to the proper architectural development of the city. The LDRC shall disapprove and return the application to the applicant if it determines that the proposed development will be unsightly or unsuitable in appearance or detrimental to the environment of the community or differs in any way from plans previously approved by the planning commission. The LDRC shall place into the record the reasons why the proposal is unsuitable and what might be done to help bring it into conformance. When an application is disapproved, the applicant is to be advised of his right of appeal.

(3) If the LDRC transmits the application to the building official with approval, the building inspector may issue the permit provided that all codes, ordinances, and requirements are met. (1989 Code, § 4-306, as amended by Ord. #98-02, May 1998, and Ord. #00-14, Dec. 2000)

2-207. Criteria for approval. When considering a project for approval, the LDRC will consider the following factors: building design, building relationship to site, relationship of project to adjoining area, landscape and site treatment, signs, lighting, street hardware, miscellaneous structures and maintenance, materials, colors and overall aesthetic value to the community. (1989 Code, § 4-307, as amended by Ord. #98-02, May 1998, and Ord. #00-14, Dec. 2000)

2-208. Appeals. Any person aggrieved by a decision or action of the LDRC may appeal within a period not exceed five (5) days from said action to the Lakeland Municipal Planning Commission, by serving written notice with the city manager and city recorder. (1989 Code, § 4-308, as amended by Ord. #98-02, May 1998, and Ord. #00-14, Dec. 2000, and replaced by Ord. #08-126, Dec. 2008)

2-209. Conflicts of interest. Members of the LDRC shall with their appointments receive and accept the responsibilities of public trust, and no member of the LDRC, directly or indirectly, shall participate in any way in any decision, effort or function of the LDRC which even possibly inures to his benefit, financially or otherwise. (Ord. #00-14, Dec. 2000)

CHAPTER 3

ECONOMIC DEVELOPMENT COMMISSION

SECTION

2-301. Establishment and purpose.

2-302. Membership.

2-303. Terms of members.

2-304. Meetings.

2-305. Responsibilities.

2-301. Establishment and purpose. The economic development commission (hereinafter also referred to as the "EDC") is hereby established for the following purposes:

(1) Advise the board of commissioners on matters that affect the economic life of the community,

(2) Seek out, consider and suggest plans that define how and where the city will develop arterial, commercial and residential areas so as to enhance the city in the eyes of its citizens as well as present and future commercial interests,

(3) Advise the city regarding local economic issues relevant to long-term planning and development of the city, and

(4) Promote economic stability, vigor and balance within the business community and to encourage business retention and productivity. (as added by Ord. #02-10, Aug. 2002)

2-302. Membership. The economic development commission will consist of seven members who shall be appointed from time to time by a majority vote of the board of commissioners.

The composition of the membership shall be as follows:

(1) One member shall also be member of the board of commissioners and not a member of the municipal planning commission to serve a one-year term;

(2) One member shall also be member of the municipal planning commission, and not a member of the board of commissioners, to serve a one-year term.

(3) Five members shall be "at-large" members who shall have interests or experience regarded by the board of commissioners to be directly relevant to a role on the EDC and who shall each serve three-year terms.

The EDC shall select a chair and vice-chair. The city manager or his/her designee may serve as an ex-officio member and may serve as secretary. (as added by Ord. #02-10, Aug. 2002)

2-303. Terms of members. Terms of the five "at-large" members shall be staggered, three-year appointments and shall expire on December 31 of each year or until their successors are appointed. Any member of the EDC may be removed at any time with or without cause by a majority vote of the board of commissioners. If a vacancy exists, the board of commissioners shall appoint a successor to fill the unexpired term. (as added by Ord. #02-10, Aug. 2002)

2-304. Meetings. The economic development commission shall designate the time and place for its meetings and shall adopt such rules and regulations as may be necessary for the proper conduct of its affairs. A majority of members shall constitute a quorum, and a quorum shall be required to transact any business of the economic development commission. The EDC shall keep minutes of its proceedings showing the vote on each question. (as added by Ord. #02-10, Aug. 2002)

2-305. Responsibilities. The economic development commission may undertake the following responsibilities in the context of the thrust and meaning of the Mission Statement and Strategic Plan for the City of Lakeland.

(1) It shall be the responsibility of the economic development commission to advise the board of commissioners on matters affecting the economic life of the community including, but not limited to:

- (a) The retention and expansion of business;
- (b) The development of new business consistent with the needs of the community and respective of its residential and rural character;
- (c) The strategic development of land for office, retail and service purposes;
- (d) The impact of city policies, rules and regulations and the delivery of city services on the local business community; and
- (e) The study and recommendation of actions designed to improve the business climate, economic viability and stability of the city business community.

(2) The commission may serve as a focal point for economic development activities by providing:

- (a) A clearing house for pertinent information for the promotion of the city; and
- (b) A research and resource center for information about the community for the support of city business, including business needs, market strategies and a long-term financial strategy for the economic well-being of the community.
- (c) A liaison between the business community and city government for the effective communication of concerns and interests by both entities; and
- (d) Support for the City of Lakeland Chamber of Commerce. (as added by Ord. #02-10, Aug. 2002)

CHAPTER 4

BOARD OF APPEALS

SECTION

- 2-401. Creation.
- 2-402. Membership, term and procedure.
- 2-403. Jurisdiction.
- 2-404. Duties.
- 2-405. Variations.

2-401. Creation. There is hereby created a board of appeals to serve as a board of appeals on application of an aggrieved party for variances from the requirements of ordinances of the City of Lakeland. (as added by Ord. #03-43, Aug. 2003)

2-402. Membership, term and procedure. The membership, term and procedures of the board of appeals shall be identical to that provided for the board of zoning appeals, as set forth in Article XII of the Zoning Ordinance for the City of Lakeland, Tennessee. (as added by Ord. #03-43, Aug. 2003)

2-403. Jurisdiction. The board of appeals shall have limited jurisdiction to hear appeals only from those ordinances of the City of Lakeland that specifically provide for appeal to the board of appeals. (as added by Ord. #03-43, Aug. 2003)

2-404. Duties. It shall be the duty of the board of appeals to hear and decide any appeal or any decision, order or interpretation by the officer whose duty it is to enforce the ordinance from which an aggrieved party seeks relief, provided the matter is within the jurisdiction of the board of appeals. (as added by Ord. #03-43, Aug. 2003)

2-405. Variations. The board of appeals shall have authority to grant variances from those ordinances of the City of Lakeland over which it has jurisdiction and only to the extent provided in the ordinance from which appeal is before the board of appeals. (as added by Ord. #03-43, Aug. 2003)

CHAPTER 5

STORM WATER BOARD OF APPEALS

SECTION

2-501. Creation.

2-502. Membership, term and procedure.

2-503. Jurisdiction.

2-504. Duties.

2-505. Variances.

2-506. Severability.

2-501. Creation. There is hereby created a storm water board of appeals to review civil penalties and/or damage assessments concerning storm water management and pollution control plans. (as added by Ord. #10-146, March 2010)

2-502. Membership, term and procedure. The board shall be composed of five (5) citizen members of Lakeland with experience and knowledge in storm water management and pollution control plans and appointed by a majority vote of the board of commissioners. The term of all citizen members shall be three (3) years. The term of at least one (1) citizen member of the board shall expire each year. Procedures of the storm water board of appeals shall be provided for in the by-laws. (as added by Ord. #10-146, March 2010)

2-503. Jurisdiction. The storm water board of appeals shall have jurisdiction to review civil penalties and/or damage assessment concerning storm water management and water pollution plans. (as added by Ord. #10-146, March 2010)

2-504. Duties. It shall be the duty of the storm water board of appeals to hear and decide any appeal or any decision, order or interpretation by the officer whose duty it is to enforce the ordinance from which an aggrieved party seeks relief, provided the matter is within the jurisdiction of the storm water board of appeals. (as added by Ord. #10-146, March 2010)

2-505. Variances. The storm water board of appeals shall have authority to grant variances from those ordinances of the City of Lakeland over which it has jurisdiction and only to the extent provided in the ordinance from which appeal is before the storm water board of appeals. (as added by Ord. #10-146, March 2010)

2-506. Severability. The provisions of this chapter are severable. If any provision of this chapter 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 application of this chapter that can be given effect without the invalid provision or application. (as added by Ord. #10-146, March 2010)