

**TITLE 12**

**BUILDING, UTILITY, ETC. CODES<sup>1</sup>**

**CHAPTER**

1. APPLICABLE CODES.
2. PRE-CONSTRUCTION INSPECTIONS.
3. RETAINING WALLS.

**CHAPTER 1**

**APPLICABLE CODES**

**SECTION**

12-101. Shelby County codes effective within city.

**12-101. Shelby County codes effective within city.** The building, plumbing, electrical, mechanical, gas, and housing codes in effect in Shelby County shall also be effective within the corporate limits and shall be enforced by Shelby County personnel. (1989 Code, § 4-101, modified)

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<sup>1</sup>Municipal code reference

Fee schedule; building permits, etc.: appendix A.  
Mobile home park regulations: title 14, chapter 5.

Ord. #08-122 "Manual for Public Works Construction and Material Specifications" is available in the office of the city recorder.

## CHAPTER 2

### PRE-CONSTRUCTION INSPECTIONS

#### SECTION

- 12-201. Title and purpose.
- 12-202. Inspection required.
- 12-203. Monetary deposit required.
- 12-204. Revocation of deposit.

**12-201. Title and purpose.** The purpose of this chapter is to protect the health, safety and welfare of the citizens of Lakeland by requiring builders and contractors to control erosion, silt, storm water run off, construction debris, trash and comply with various plat conditions required by the Lakeland Board of Commissioners, Municipal Planning Commission, Design Review Commission, and other city ordinances; preventing disruption of the life of residents within a subdivision development; and preserving the quality of the environment. (Ord. #189, Aug. 1996, as amended by Ord. #10-141, Jan. 2009)

**12-202. Inspection required.** Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move or convert any building, or initiate lot grading in the city or cause the same to be done, without first obtaining a pre-construction inspection and securing a permit from the appropriate city official. The following must be completed in order to receive a building permit:

- (1) Erosion control measures, tree fencing, and clearing limits must be in place and installed in accordance with Lakeland specifications and to the reasonable satisfaction of the city.
- (2) A waste/trash bin or container must be on site for the daily collection of construction debris and trash.
- (3) Portable restroom facilities must be in place on the job site.
- (4) City inspection of existing public improvements to evaluate post-construction damage that may occur to road surfaces, including curb and gutter, and storm drains adjacent to the construction activity.

A building permit shall only be approved by the city after the measures outlined above are completed and the applicant receives a pre-construction site approval. (Ord. #189, Aug. 1996, as amended by Ord. #10-141, Jan. 2009)

**12-203. Monetary deposit required.** A refundable deposit in an amount determined by the board of commissioners is required for each residential and commercial lot. Said deposit will be refunded to the applicant if it has been demonstrated during the course of construction that erosion control practices have remained in place and have not been breached and construction debris and waste has been controlled.

(1) It has been demonstrated during the course of construction that erosion control practices have remained in place and have not been breached and construction debris and waste has been controlled; and

(2) All required permit conditions have been satisfied and/or not violated including:

(a) Erosion control, tree fencing, clearing limits, and grading and drainage requirements; and

(b) Existing public improvements such as roadway conditions, curb and gutter, and adjacent drainage structures remain unharmed from pre-construction condition to post-construction condition; and

(c) Individual lot conditions as set forth in the development approval process and city ordinances have been completed and approved by the appropriate city official. (Ord. #189, Aug. 1996, as replaced by Ord. #06-98, Dec. 2006, as amended by Ord. #10-141, Jan. 2009)

**12-204. Revocation of deposit.** (1) Any violation not corrected within two (2) working days from the date of written notice by the city manager or his designee shall be considered a breach of the building permit and subject the permit to possible revocation and/or suspension.

(2) Should it become necessary for the city to correct any violation, a fee deduction from the deposit for costs incurred to mitigate said violations may be assessed and the remaining balance, if any, returned to the applicant upon completion and inspection of the project. Should mitigation costs exceed the amount deposited, the permittee shall be required to pay the balance prior to receiving a certificate of occupancy.

(3) The city reserves the right to put a “stop work order” on any project until the inspector determines that all violations have been corrected. (Ord. #189, Aug. 1996, as amended by Ord. #10-141, Jan. 2009)

## CHAPTER 3

### RETAINING WALLS

#### SECTION

- 12-101. Purpose and scope.
- 12-102. Definitions.
- 12-103. Permit required.
- 12-104. Exemptions.
- 12-105. Design and construction.
- 12-106. Variances.
- 12-107. Appeals.
- 12-108. Conflicts.
- 12-109. Severability.

**12-101. Purpose and scope.** The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by governing the construction and placement of retaining wall systems through the adoption of specific standards to augment existing codes. These provisions shall apply to the construction and/or alteration of retaining walls on all public and private property that is not within a public right-of-way of the city. (as added by Ord. #08-121, July 2008)

**12-102. Definitions.** For the purposes of this chapter, the following definitions shall apply:

- (1) "Building code" means the latest edition of the International Building Code as amended and adopted by Shelby County.
- (2) "Cut" means an alteration or excavation of the slope of native soils material resulting in a new face or slope.
- (3) "Fill" means the placement of soils material to achieve a new ground surface.
- (4) "Height of wall" means the measured distance between the bottom of the footing to the top of a wall.
- (5) "Retaining wall" means a manmade structure built out of rock, concrete, block, wood, or other similar material and used to either directly support retained material or to serve as a facing of a cut slope. This definition includes, but is not limited to, other systems designed to retain earth or other materials such as a geosynthetic-reinforced soil system or pre-engineered structures.
- (6) "Structural repairs" means to replace, restore, or remove any part of a retaining wall which affects its ability to resist the lateral or vertical forces of the adjacent soils. (as added by Ord. #08-121, July 2008)

**12-103. Permit requirement.** It shall be unlawful to construct, enlarge, or make structural repairs to any retaining wall without acquiring a permit from the City of Lakeland. Cosmetic repairs that do not affect the ability of the wall to resist lateral and vertical soil forces shall not require a permit. The application, submittal, permitting and inspection requirements for retaining walls shall be as specified in the building code and other city codes and ordinances.

(1) Application. To obtain a retaining wall permit, a completed application form and plot plat (site plan) must be submitted to the City of Lakeland. The plot plan shall show:

- (a) Location of all property lines;
- (b) Location of all existing and proposed structures;
- (c) Location of existing retaining walls on or adjacent to the property that is to remain in place if applicable;
- (d) Portions of existing retaining wall that will be replaced, if applicable;
- (e) Location of new, enlarged or structurally repaired retaining wall;
- (f) Location of utilities and utility easements, drainage easement and drainage ways;
- (g) Elevation above and below the retaining wall;
- (h) All trees.

(2) Fee. The fee for the retaining wall permit shall be as provided for in the fee ordinance. (as added by Ord. #08-121, July 2008)

**12-104. Exemptions.** (1) Retaining walls with a height of wall not exceeding four feet (4') are exempt from this chapter if:

- (a) The wall is set back from any adjacent property lines or structures at a minimum distance equal to the height of the wall;
- (b) The material retained by the wall slopes up and away from the wall at a ratio not exceeding one foot (1') vertical per three feet (3') horizontal distance; and
- (c) The wall is not supporting a surcharge.

(2) Emergency repairs required to stabilize slopes may exceed the height limits set forth in this chapter provided the city engineer determines the following criteria are met:

- (a) An imminent danger of slope failure exists that will threaten life or the safety of existing upslope or down slope property;
- (b) The code enforcement official certifies that strict compliance with the other provisions of this chapter is likely to result in insufficient time to complete the repairs to provide for the necessary stabilization of the active area.
- (c) The emergency repairs are not necessitated by actions of the applicant or property owner in violation of city codes.

(d) The height of the retaining walls is the minimum necessary to stabilize the slope. (as added by Ord. #08-121, July 2008)

**12-105. Design and construction.** (1) Retaining wall systems that are newly constructed, structurally repaired or enlarged shall be designed or reviewed by a professional engineer licensed to practice in the State of Tennessee for all loads as specified in the building code and within this chapter and in keeping with nationally recognized standards. Designs shall be based upon sound engineering and geotechnical principles.

(a) Utility easements. Retaining walls shall not restrict access to utilities.

(b) Drainage easements. Retaining walls shall not impede the normal flow of storm water and shall not cross an open drainage channel.

(c) Retaining walls shall not be constructed over a public or private access easement.

(d) Retaining walls constructed near street intersections shall provide a reasonable degree of traffic visibility.

(2) **Maximum wall heights.** (a) The maximum height of a retaining wall in a fill section shall be limited to ten feet (10').

(b) The maximum height of a retaining wall in a cut section shall be limited to twelve feet (12'). A section that consists of a combination of a cut and a fill shall be considered as a cut; provided that the fill above the cut is no more than two feet (2') in depth.

(c) Where multiple walls are situated in a terrace-like pattern, they shall be considered one (1) wall for purposes of determining the height of wall if the horizontal separation between adjacent walls is less than or equal to the combined height of the walls. (as added by Ord. #08-121, July 2008)

**12-106. Variances.** Where there are unique constraints that would prohibit full compliance with the provisions of this chapter and would deny the property owner of use of their property that would be permitted to other properties, a variance may be considered. (as added by Ord. #08-121, July 2008)

**12-107. Appeals.** Any person or entity aggrieved by any decision or order of the city engineer under this chapter may appeal the decision to the board of appeals.

(1) The City of Lakeland Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(2) Variances may be issued in regards to the interpretation of the rules in regards to issuing a permit such as the height of the wall and exemptions. The permit fee shall not be appealed.

(3) In passing upon such variances, the board of appeals shall consider all technical evaluations, all relevant factors such as practices and design

guidelines contained within this chapter and those that are spelled out in the International Building Code as adopted by Shelby County.

(4) Upon consideration of the factors listed above, and the purposes of this chapter, the board of appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this chapter.

(5) Request for variances may be appealed within thirty (30) calendar days from the date that the permit was issued.

(6) Variances may be issued upon a determination that the variance is the minimum relief necessary, considering the amount of the fee and/or the property classification.

(7) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship compared to other similarly assessed property; and

(c) A determination that the granting of a variance will not result in conflict with existing local laws or ordinances.

(8) Written notice. Any applicant to whom a variance is granted shall be given written notice by the board of appeals.

(9) Record keeping and reporting. The City of Lakeland shall maintain the record of all appeal actions.

(10) All appeals shall be reviewed and a decision rendered within forty-five (45) days after the appeal is filed. (as added by Ord. #08-121, July 2008)

**12-108. Conflicts.** Where there is a conflict between this chapter and any other code or ordinance of the city, the more specific provisions shall apply. If any section, sentence, clause, or phrase of this chapter shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter. (as added by Ord. #08-121, July 2008)

**12-109. Severability.** If any section, sentence, clause or phrase of this chapter shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter. (as added by Ord. #08-121, July 2008)