

**ARTICLE V**  
**ZONING DISTRICTS**

**SECTION**

- 5.010 Classification of Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Agricultural and Residential District Regulations
- 5.050 Commercial District Regulations
- 5.060 Industrial District Regulations
- 5.070 Mix Use Overlay District
- 5.080 Floodplain Zoning Ordinance, Statutory Authorization,  
Findings of Fact, Purpose and Objectives District

**5.010 CLASSIFICATION OF DISTRICTS**

For the purpose of this ordinance, the following zoning districts are hereby established in Pleasant View, Tennessee:

A. Agricultural and Residential Districts

- AR Agricultural/Residential District**
- R-1 Estates Residential District**
- R-1 Low Density Residential District**
- R-3 Medium Density Residential District**
- R-4 High Density Residential District**
- V-1 Village Districts**

B. Commercial Districts

- C-1 General Commercial District**
- C-2 Neighborhood Commercial District**
- C-3 Interstate Commercial District (Added by Ordinance 05-20,  
November 8, 2005)**

C. Industrial Districts

- I-1 General Industrial District**
- I-2 Heavy Industrial District**
- I-3 Special Industrial District**

D. Mixed Use District (Amended by Adding New D, Changing Old D, to E,  
by Ordinance 06-03, March 14, 2006)

E. Floodplain Zoning Ordinance, Statutory Authorization, Findings of Fact,  
Purpose and Objectives District (Amended by Changing Old D, to E, by  
Ordinance 06-03, March 14, 2006)

## **5.020 ZONING MAP**

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map, entitled, "Zoning Atlas, of Pleasant View, Tennessee". The zoning map and any amendment, thereto, shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted zoning map and zoning map amendments shall be maintained in the office of the Town of Pleasant View Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

## **5.030 ZONING DISTRICT BOUNDARIES**

Unless, otherwise, indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, or the Pleasant View boundary lines as they exist at the time of the enactment of the zoning ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Pleasant View Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty (20) feet within the more restricted district.

## **5.040 AGRICULTURAL AND RESIDENTIAL DISTRICT REGULATIONS (Amended by Ordinance No. 00-15, October 10, 2000)**

The following regulations shall apply in the agricultural and residential zoning districts established in Article V, Section 5.040, of this ordinance.

### **5.041 AR, Agricultural/Residential District**

#### **A. District Description**

These districts are designed to provide suitable areas within the town where the growing of crops, animal husbandry dairying, forestry, and other similar activities, which generally occur and characterize the rural areas can continue to exist. These districts are designed; furthermore, to provide for very low-density residential development generally on large lots or extensive tracts of land whereon public sanitary sewerage is not currently available and in some instances public water.

These districts also include the provision for community facilities, public utilities, and open uses which serve specifically the residents of these districts or which will benefit an open residential environment without creating objectionable or undesirable influences on existing residential areas or influences which are incompatible with a rural environment.

#### **B. Uses Permitted**

In the AR, Agricultural/Residential District, the following uses and their accessory uses as described in this section, are permitted by right:

1. Agricultural Services

**Crop Drying, Storage and Processing**  
**Crop Planting, Cultivating and Protection Services**  
**Horticultural Services**  
**Livery Stables**  
**Riding Stables**  
**Soil Preparation Services**

2. Crop and Animal Raising

Includes the raising of tree, vine, field forage and other plan crops intended to provide food or fiber, as well as keeping, grazing or feeding animals for animal products, animal increase or value increase, but specifically excluding commercial feed lots and facilities for the process, packing or treatment of agricultural products.

**Dairies**  
**Farms**  
**Raising of Plants, Animals and Fish**  
**Truck Gardens**

3. Plant and Forest Nurseries

Includes the cultivation for sale of horticultural specialties, such as flowers, shrubs and trees, intended for ornamental, landscaping or tree planting purposes.

**Forestry Nursery**  
**Plant Nursery**

4. Residential Activities

**Single-Family Dwelling**  
**Individual Mobile Homes**

5. Essential Services

Includes the maintenance and operations of the following installations:

**Electrical and Gas Substations**  
**Electric, Gas, Water and Sewer Distribution and Collection Systems**  
**Pumping Facilities for Water and Sewer Systems**  
**Rights-of-way for Transportation Modes**  
**Telephone Switching Facilities**

C. Accessory Uses and Structures

1. Private garages and sheds
2. Private barns, stables, sheds and other farm buildings
3. Outdoor recreational facilities exclusively for the use of the residents.
4. Signs in compliance with the regulations set forth in Article IV, Section 4.070.
5. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
6. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the AR, Agricultural/Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.070; provided further that the site development plans shall be reviewed and approved by the Planning Commission in accordance with Article VIII, Section 8.030.

1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

**City, County, State, and Federal Offices**  
**Civil Defense Facilities**  
**Court Buildings**  
**Fire Department Facilities**  
**Post Offices**  
**Police Department Facilities**

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

**Civic, Social, Fraternal, and Philanthropic Associations**  
**Private (nonprofit) Clubs, Lodges, Meeting Halls, and**  
**Recreation Centers**  
**Temporary Nonprofit Festivals**

3. Community Education

The activities typically performed by the following institutions:

**Kindergarten, Primary and Secondary Schools  
Public and Private Nursery Schools**

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities, which are privately owned and operated for profit. These activities would include:

**Art Galleries  
Libraries  
Museums  
Parks, Playgrounds, and Playfields  
Planetariums and Aquariums  
Recreational Centers and Gymnasiums  
Swimming Pools and Beaches  
Zoological and Botanical Gardens**

5. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

**Cemeteries, Columbariums, and Mausoleums  
Colleges, Junior Colleges, and Universities, but  
Excluding Profit-Making Business Schools  
Commercial Boat Docks  
Country Clubs  
Golf Courses  
Radio and TV Transmission Facilities  
Water Storage Facilities, Water and Sewage  
Treatment Plants**

6. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

**Day Care Centers  
Group Home for Physically or Mentally Handicapped  
Persons, which houses not more than ten (10) people,  
including supervisors**

7. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

**Chapels**  
**Churches**  
**Convents or Monasteries**  
**Sanctuaries**  
**Synagogues**  
**Temples**

8. Animal Care and Veterinarian Services

Include the provision of animal care, treatment, and boarding services.

**Veterinarian Clinics and Kennels**

9. Medical Services

Includes the provision of therapeutic, preventive or corrective personal treatment services by physicians, dentists and other practitioners.

**Chiropractor Offices**  
**Dental Offices**  
**Optometrists**  
**Physicians' Offices and Clinics (Out Patient Services)**  
**Physiologists and Psychotherapists**

10. Commercial Feed Lots and Stockyards

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

E. Uses Prohibited

In the AR, Agricultural District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the AR, Agricultural/Residential District, shall comply with the following requirements:

1. Minimum Lot Size

Minimum Area per Dwelling Unit

<b>With Public Water</b>	<b>3 acres</b>
<b>Without Public Water</b>	<b>5 acres</b>

Lot Width at Building Setback

<b>With Public Water</b>	<b>150 ft.</b>
<b>Without Public Water</b>	<b>250 ft.</b>
  
2. Minimum Yard Requirements

Front Yard Setback

<b>With Public Water</b>	<b>75 ft.</b>
<b>Without Public Water</b>	<b>100 ft.</b>

Side Yard Setback

<b>With Public Water</b>	<b>30 ft.</b>
<b>Without Public Water</b>	<b>40 ft.</b>

Rear Yard Setback

<b>With Public Water</b>	<b>50 ft.</b>
<b>Without Public Water</b>	<b>75 ft.</b>
  
3. Maximum Lot Coverage

On any lot, the area occupied by all structures shall not exceed fifteen (15) percent of the total area.
  
4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory structure shall exceed two (2) stories in height except as provided in Article VII, Section 7.040.
  
5. Parking Space Requirements

As regulated in Article IV, Section 4.010.
  
6. Accessory Uses
  - a. With the exception of signs, accessory structures shall not be erected in any front yard, as required.
  - b. Accessory structures shall be located at least five (5) feet from any rear lot line and from any building on the same lot.

7. Landscaping Requirements

The front yard, excluding necessary driveways, shall be landscaped.

**5.042 R-1, Estate Residential District**

A. District Description

These districts are designed to provide suitable areas for very low-density residential development characteristics by sufficient open space to retain a rural appearance. Generally, single-family detached dwellings and accessory structures will characterize these districts. These districts also include community facilities, public utilities and an open residential environment without creating objectionable or undesirable influences upon residential development benefits open uses, which serve specifically the residents of these districts or which.

Further, it is the intent of this ordinance that these districts be located so that the provision of appropriate public serves will be physically and economically facilitated, and so that provision is made for the orderly expansion and maintenance of urban residential development within Pleasant View.

It is the express purpose to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except special exceptions and home occupations shall be considered as not having such if, they, otherwise, conform to the provisions of this ordinance.

This district is designed to provide suitable open space for very low-density residential development. It shall consist primarily of single family detached dwellings and their accessory uses. This residential district shall be located in those areas of the county that shall retain an optimum of open spaces to maintain a rural setting yet afford residential developments a minimum of urban character. This district is a transition zone between the agricultural district and the more Urban Zone, R-1.

B. Uses Permitted

1. Agricultural Services

Include various activities designed to provide needed services for agricultural activities and is appropriately located in close proximity thereto.

**Crop Drying, Storage, and Processing**  
**Crop Planting, Cultivating, and Protection Services**  
**Horticultural Services**  
**Livery Stables**  
**Riding Stables**  
**Soil Preparation Services**

2. Crop and Animal Raising

Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

**Farms  
Raising of Plants, Animals, and Fish  
Truck Gardens**

3. Plant and Forest Nurseries

Include the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

**Forestry Nursery  
Plant Nursery**

4. Residential Activities

**Detached Single-Family Dwellings, Excluding Mobile Homes.**

5. Essential Services

Includes the maintenance and operations of the following installations:

**Electric, Gas, Water, and Sewer Distribution  
and Collection Lines  
Electrical and Gas Substations  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities**

C. Accessory Uses and Structures

1. Private residential garages and parking areas.
2. Private barns, stables, sheds, and other farm buildings.
3. Outdoor recreational facilities exclusively for the use of the residents.
4. Signs in compliance with the regulations set forth in Article IV, Section 4.080.

5. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
6. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-1, Estate Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.080; provided further that the site development plans shall be reviewed and approved by the Planning Commission in accordance with Article VIII, Section 8.030.

1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

**City, County, State, and Federal Offices**  
**Civil Defense Facilities**  
**Fire Department Facilities**  
**Post Offices**  
**Police Department Facilities**

2. Agricultural Activities (Added by Ordinance No. 00-17, January 9, 2001)

**Agricultural Services**  
**Crop and Animal Raising**

3. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

**Civic, Social, Fraternal, and Philanthropic Associations**  
**Private (nonprofit) Clubs, Lodges, Meeting Halls, and**  
**Recreation Centers**  
**Temporary Nonprofit Festivals**

4. Community Education

The activities typically performed by the following institutions:

**Kindergartens, Primary and Secondary Schools**  
**Public and Private Nursery Schools**

5. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities, which are privately owned and operated for profit. These activities would include:

**Art Galleries**  
**Libraries**  
**Museums**  
**Parks, Playgrounds, and Playfields**  
**Planetariums and Aquariums**  
**Recreational Centers and Gymnasiums**  
**Swimming Pools and Beaches**  
**Zoological and Botanical Gardens**

6. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

**Cemeteries, Columbariums, and Mausoleums**  
**Colleges, Junior Colleges, and Universities,**  
**but Excluding Profit Making Business Schools**  
**Commercial Boat Docks**  
**Country Clubs**  
**Golf Courses**  
**Radio and TV Transmission Facilities**  
**Water Storage Facilities, Water and**  
**Sewage Treatment Plants**

7. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

**Day Care Centers**  
**Group Homes for Physically or Mentally**  
**Handicapped Persons, which house not more**  
**than ten (10) people including supervisors**

8. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

**Chapels  
Churches  
Convents or Monasteries  
Sanctuaries  
Synagogues  
Temples**

9. Animal Care and Veterinarian Services

Include the provision of animal care, treatment, and boarding services.

**Veterinarian Clinics and Kennels**

10. Medical Services

Includes the provision of therapeutic, preventive or corrective personal treatment services by physicians, dentists and other practitioners.

**Chiropractor Offices  
Dental Offices  
Optometrists  
Physicians' Offices and Clinics (Out Patient Services)  
Physiologists and Psychotherapists**

E. Uses Prohibited

Any use not permitted by right or by special exception is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-1, Estate Residential District, shall comply with the following requirements:

1. Minimum Lot Size

<b>Without Water</b>	<b>5 acres</b>
<b>Lot Width at Building Setback</b>	<b>250 ft.</b>
<b>With Public Water</b>	<b>40,000 sq. ft.</b>
<b>Lot Width at Building Setback</b>	<b>150 ft.</b>

2. Minimum Yard Requirements

**Without Public Water**

<b>Front Setback</b>	<b>100 ft.</b>
<b>Side</b>	<b>40 ft.</b>
<b>Rear</b>	<b>75 ft.</b>

**With Public Water**

<b>Front Setback</b>	<b>50 ft.</b>
<b>Side</b>	<b>20 ft.</b>
<b>Rear</b>	<b>25 ft.</b>

3. Maximum Lot Coverage

On any lot, the area occupied by all structures shall not exceed fifteen (15) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory structure shall exceed two (2) stories in height.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Uses

- a. With the exception of signs, accessory structures shall not be erected in any front yard, as defined.
- b. Accessory structures shall be located at least five (5) feet from any rear lot line and from any building on the same lot.

7. Landscaping

The front yard, excluding necessary paved driveways, shall be landscaped and not used for automobile storage.

**5.043 R-2, Low Density Residential District**

- A. These districts are designed to provide suitable areas for medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically located. Generally, these districts will be characterized by single-family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses, which serve specifically the residents of these districts or which are benefited by and compatible with a residential environment.

It is the express purpose to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations shall be considered as not having such characteristics if they, otherwise, conform to the provisions of this ordinance.

B. Uses Permitted

In the R-2, Low Density Residential District, the following uses and their accessory uses are permitted:

1. Residential Activities

Detached Single-Family Dwellings, Excluding Mobile Homes

2. Essential Services

Includes the maintenance and operations of the following installations:

**Electrical and Gas Substations  
Electric, Gas, Water, and Sewer Distribution and  
Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities**

C. Accessory Uses and Structures

1. Private garages and sheds
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Article IV, Section 4.070.
4. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-2, Low Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.070; provided further that the site development plans shall be reviewed and approved by the Planning Commission in accordance with Article VIII, Section 8.030.

1. Agricultural Activities (Added by Ordinance No. 00-17, January 9, 2001)

**Agricultural Services  
Crop and Animal Raising**

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

**Civic, Social, Fraternal, and Philanthropic Associations  
Private (nonprofit) Clubs, Lodges, Meeting Halls, and  
Recreation Centers  
Temporary Nonprofit Festivals**

3. Community Education

The activities typically performed by the following institutions:

**Kindergarten, Primary and Secondary Schools  
Public and Private Nursery Schools**

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities, which are privately owned and operated for profit. These activities would include:

**Art Galleries  
Libraries  
Museums  
Parks, Playgrounds, and Playfields  
Planetariums and Aquariums  
Recreational Centers and Gymnasiums  
Swimming Pools and Beaches  
Zoological and Botanical Gardens**

5. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

**Cemeteries, Columbariums, and Mausoleums  
Colleges, Junior Colleges, and Universities,  
but Excluding Profit-Making Business Schools  
Commercial Boat Docks, Marinas, and Yacht Clubs  
Country Clubs  
Golf Courses  
Radio and TV Transmission Facilities  
Water Storage Facilities, Water and Sewage  
Treatment Plants**

6. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

**Day Care Centers  
Group Home for Physically or Mentally Handicapped  
Persons, which houses no more than ten (10) people  
including supervisors**

7. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

**Chapels  
Churches  
Convents or Monasteries  
Sanctuaries  
Synagogues  
Temples**

8. Medical Services

Includes the provision of therapeutic, preventive or corrective personal treatment services by physicians, dentists and other practitioners.

**Chiropractor Offices  
Dental Offices  
Optometrists  
Physicians' Offices and Clinics (Out-Patient Services)  
Physiologists and Psychotherapists**

E. Uses Prohibited

Any use not permitted by right or by special exception is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-2, Medium Density Residential District, shall comply with the following requirements:

1. Minimum Lot Size

<b>Without Public Water Lot Width at Building Setback</b>	<b>5 acres 250 ft.</b>
<b>With Public Water Lot Width at Building Setback</b>	<b>30,000 sq. ft. 150 ft.</b>
<b>With Public Water and Sewer Lot Width at Building Setback</b>	<b>22,000 sq. ft. 125 ft.</b>

2. Minimum Yard Requirements

<b>Without Public Water Front Setback</b>	<b>100 ft.</b>
<b>Side</b>	<b>40 ft.</b>
<b>Rear</b>	<b>75 ft.</b>
<b>With Public Water Front Setback</b>	<b>50 ft.</b>
<b>Side</b>	<b>20 ft.</b>
<b>Rear</b>	<b>25 ft.</b>
<b>With Public Water and Sewer Front Setback</b>	<b>40 ft.</b>
<b>Side</b>	<b>15 ft.</b>
<b>Rear</b>	<b>20 ft.</b>

3. Maximum Lot Coverage

On any lot, the area occupied by all structures shall not exceed thirty-(30) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory structures shall exceed two (2) stories in height.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Uses

- a. With the exception of signs, accessory structures shall not be erected in any front yard, as regulated.

- b. Accessory structures shall be located at least five (5) feet from any rear lot line and from any building on the same lot.

7. Landscaping

The front yard, excluding necessary paved driveways, shall be landscaped and not used for automobile storage.

**5.044 R-3, Medium Density Residential District**

- A. These districts are designed to provide suitable areas for medium-density residential development where sufficient urban services and facilities are available or where such will be available prior to development. Generally, these districts will be characterized by single-family detached dwellings and accessory structures. However, it is the intent of this ordinance that other dwelling types will be permitted provided that they are developed with sufficient open space on the same lot. These districts are intended also to permit community facilities and public utility installations which are necessary to serve specifically the residents of these districts or which are benefited by and compatible with a residential environment.

It is the express purpose to exclude from these districts all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exceptions and home occupations shall be considered as not having such characteristics if they, otherwise conform to the provisions of this ordinance.

- B. Uses Permitted

In the R-3, Medium Density Residential District, the following uses are permitted:

- 1. Residential Activities

**Detached Single-Family and Duplex Dwellings, excluding Mobile Homes.**

- 2. Essential Services

Includes the maintenance and operations of the following installations:

**Electrical and Gas Substations  
Electric, Gas, Water, and Sewer Distribution and  
Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities**

C. Accessory Uses and Structures

1. Private residential garages.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
4. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-3, Medium Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals, in accordance with Article VIII, Section 8.070.

1. Residential Activities

**Multi-Family Dwellings and Apartments**

2. Administrative

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

**City, County, State, and Federal Offices**

**Civil Defense Facilities**

**Court Buildings**

**Fire Department Facilities**

**Post Offices**

**Police Department Facilities**

3. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

**Civic, Social, Fraternal, and Philanthropic Associations**

**Private (nonprofit) Clubs, Lodges, Meeting Halls, and**

**Recreation Centers**

**Temporary Nonprofit Festivals**

4. Community Education

The activities typically performed by the following institutions:

**Kindergarten, Primary and Secondary Schools  
Public and Private Nursery Schools**

5. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities, which are privately owned and operated for profit. These activities would include:

**Art Galleries  
Libraries  
Museums  
Parks, Playgrounds, and Playfields  
Planetariums and Aquariums  
Recreational Centers and Gymnasiums  
Swimming Pools and Beaches  
Zoological and Botanical Gardens**

6. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

**Cemeteries, Columbariums, and Mausoleums  
Colleges, Junior Colleges, and Universities,  
but Excluding Profit-Making Business Schools  
Commercial Boat Docks, Marinas, and Yacht Clubs  
Country Clubs  
Golf Courses  
Radio and TV Transmission Facilities  
Water Storage Facilities, Water and Sewage  
Treatment Plants**

7. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

**Day Care Centers  
Group Home for Physically or Mentally Handicapped  
Persons, which houses no more than ten (10)  
people including supervisors**

8. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

- Chapels**
- Churches**
- Convents or Monasteries**
- Sanctuaries**
- Synagogues**
- Temples**

9. Medical Services

Includes the provision of therapeutic, preventive or corrective personal treatment services by physicians, dentists and other practitioners.

- Chiropractor Offices**
- Dental Offices**
- Optometrists**
- Physicians' Offices and Clinics (Out Patient Services)**
- Physiologists and Psychotherapists**

E. Uses Prohibited

In the R-3, Medium Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-3, Medium Density Residential District, shall comply with the following requirements:

1. Minimum Lot Size

**Single Family Dwellings**

<b>Without Public Water</b>	<b>5 acres</b>
<b>Lot Width at Building Setback</b>	<b>250 ft.</b>
<b>With Public Water</b>	<b>30,000 sq. ft.</b>
<b>Lot Width at Building Line</b>	<b>125 ft.</b>
<b>With Public Water and Sewer</b>	<b>20,000 sq. ft.</b>
<b>Lot Width at Building Line</b>	<b>100 ft.</b>

**Duplex Dwellings**

Without Public Water Lot Width at Building Setback	Not Permitted
With Public Water Lot Width at Building Line	60,000 sq. ft. 175 ft.
With Public Water and Sewer Lot Width at Building Line	24,000 sq. ft. 150 ft.

**Multi-Family Dwellings**

Without Public Water Lot Width at Building Setback	Not Permitted
With Public Water Lot Width at Building Line	Not Permitted
With Public Water and Sewer Area per Dwelling Unit Lot Width at Building Line	5 acres 9,000 sq. ft. 250 ft.

2. Minimum Yard Requirements

**Single Family**

Without Public Water Front Setback	100 ft.
Side	40 ft.
Rear	75 ft.
With Public Water Front Setback	40 ft.
Side	15 ft.
Rear	20 ft.
With Public Water and Sewer Front Setback	35 ft.
Side	15 ft.
Rear	15 ft.

**Duplex Dwellings**

Without Public Water	Not Permitted
With Public Water Front Setback	40 ft.
Side	15 ft.
Rear	20 ft.

<b>With Public Water and Sewer</b>	
<b>Front Setback</b>	<b>35 ft.</b>
<b>Side</b>	<b>15 ft.</b>
<b>Rear</b>	<b>15 ft.</b>

**Multi-Family Dwellings**

<b>With Public Water and Sewer</b>	
<b>Front Setback</b>	<b>60 ft.</b>
<b>Side</b>	<b>40 ft.</b>
<b>Rear</b>	<b>40 ft.</b>

3. Maximum Lot Coverage

On any lot, the area occupied by all structures shall not exceed forty (40) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory structure shall exceed two (2) stories in height.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Uses

- a. With the exception of signs, accessory structures shall not be erected in any front yard, as denied.
- b. Accessory structures shall be located at least five (5) feet from any rear lot line and from any building on the same lot.

7. Landscaping

For one- and two-family dwellings, the front yard, excluding necessary paved driveways shall be landscaped and not used for automobile storage. For other residential buildings, landscaping shall be incorporated into permitted parking areas, and a buffer strip shall be established along all yards that abut lower density residential districts.

**5.045 R-4, High Density Residential District**

A. District Description

To provide maximum flexibility in design and to ensure a minimum standard of site development for mobile home parks where complete urban facilities, specifically public water and sewer, are available or where

such facilities will be available prior to development. This district will be characterized by mobile home parks containing both singlewide units and doublewide units. This district will also include community facilities and public utility installations, which will serve the residents of the district. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development. Public water and sewer is required for this district.

B. Uses Permitted

In the R-4, High Density Residential District, the following uses and their accessory uses are permitted by right:

1. Residential Activities

Individual Mobile Homes and Duplex Dwellings

2. Multi-family dwellings, subject to site plan review as regulated in Article VIII, Section 8.030. and Article IV, Section 4.070.

3. Mobile home parks subject to Article IV, Section 4.090, of this ordinance.

4. Essential Services

Includes the maintenance and operations of the following installations:

**Electrical and Gas Substations  
Electric, Gas, Water, and Sewer Distribution and  
Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities**

C. Accessory Uses and Structures

1. Private residential garages.

2. Outdoor recreational facilities exclusively for the use of the residents.

3. Signs in compliance with the regulations set forth in Article IV, Section 4.080.

4. Home occupations as defined by and subject to the provisions of Article IV, Section 4.060.

5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-4, High Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.070.

1. Administrative

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

**City, County, State, and Federal Offices**  
**Civil Defense Facilities**  
**Court Buildings**  
**Fire Department Facilities**  
**Post Offices**  
**Police Department Facilities**

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

**Civic, Social, Fraternal, and Philanthropic Associations**  
**Private (nonprofit) Clubs, Lodges, Meeting Halls,  
and Recreation Centers**  
**Temporary Nonprofit Festivals**

3. Community Education

The activities typically performed by the following institutions:

**Kindergarten, Primary and Secondary Schools**  
**Public and Private Nursery Schools**

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities, which are privately owned and operated for profit. These activities would include:

**Art Galleries**  
**Libraries**  
**Museums**  
**Parks, Playgrounds, and Playfields**  
**Planetariums and Aquariums**  
**Recreational Centers and Gymnasiums**  
**Swimming Pools and Beaches**  
**Zoological and Botanical Gardens**

5. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

**Cemeteries, Columbariums, and Mausoleums  
Colleges, Junior Colleges, and Universities,  
but Excluding Profit-Making Business Schools  
Commercial Boat Docks, Marinas, and Yacht Clubs  
Country Clubs  
Golf Courses  
Radio and TV Transmission Facilities  
Water Storage Facilities, Water and Sewage  
Treatment Plants**

6. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

**Associations for Physically or Mentally  
Handicapped Persons  
Day Care Centers  
Group Home for Physically or Mentally  
Handicapped Persons  
Nursing Homes  
Orphanages  
Retirement or Rest Homes**

7. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

**Chapels  
Churches  
Convents or Monasteries  
Sanctuaries  
Synagogues  
Temples**

8. Medical Services

Includes the provision of therapeutic, preventive or corrective personal treatment services by physicians, dentists and other practitioners.

**Chiropractor Offices  
Dental Offices  
Optometrists  
Physicians' Offices and Clinics (Out-Patient Services)  
Physiologists and Psychotherapists**

E. Uses Prohibited

In the R-4, High Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the R-4, High Density Residential District, shall comply with the following requirements:

1. Minimum Lot Size

Individual Mobile Homes

**Without Public Water  
Lot Width at Building Setback** 5 acres  
250 ft.

**With Public Water  
Lot Width at Building Line** 30,000 sq. ft.  
125 ft.

**With Public Water and Sewer  
Lot Width at Building Line** 20,000 sq. ft.  
100 ft.

Duplex Dwellings

**Without Public Water  
Lot Width at Building Setback** Not Permitted

**With Public Water  
Lot Width at Building Line** Not Permitted

**With Public Water and Sewer  
Lot Width at Building Line** 30,000 sq. ft.  
150 ft.

Multi-Family Dwellings and Mobile Home Parks

**Without Public Water  
Lot Width at Building Setback** Not Permitted

**With Public Water  
Lot Width at Building Line** **Not Permitted**

**With Public Water and Sewer  
Area per Dwelling Unit** **5 acres**  
**Lot Width at Building Line** **5,500 sq. ft.**  
**250 ft.**

2. Minimum Yard Requirements

**Individual Mobile Homes**

**Without Public Water**  
**Front Setback** **100 ft.**  
**Side** **40 ft.**  
**Rear** **75 ft.**

**With Public Water**  
**Front Setback** **40 ft.**  
**Side** **15 ft.**  
**Rear** **20 ft.**

**With Public Water and Sewer**  
**Front Setback** **35 ft.**  
**Side** **15 ft.**  
**Rear** **15 ft.**

**Duplex dwellings**

**Without Public Water**  
**Front Setback** **Not Permitted**  
**Side**  
**Rear**

**With Public Water**  
**Front Setback** **Not Permitted**  
**Side**  
**Rear**

**With Public Water and Sewer**  
**Front Setback** **35 ft.**  
**Side** **15 ft.**  
**Rear** **15 ft.**

Multi-Family Dwellings and Mobile Home Parks

**With Public Water and Sewer**  
**Front Setback** **60 ft.**  
**Side** **40 ft.**  
**Rear** **40 ft.**

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.040.

5. Parking Space Requirements

As regulated in Article 4, Section 4.010.

6. Landscaping

Each site shall be developed with a minimum of twenty (20) percent landscaped. A landscaped strip fifteen (15) feet in width shall be maintained along all property lines, with the remainder of the required landscaping distributed through out the parking area.

7. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard;
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

**5.046 V-1, Village Districts (Added by Ordinance No. 02-05, June 11, 2002)**

A. Purpose

The purpose of the V-1, Village District, is to support the development of human scale, walkable communities where residences, business and commercial uses are within walking distance of one another. These can range from small infill or redevelopment projects located in already-developed areas and relying on adjacent land uses, to larger new towns complete within their own village centers and hundreds of acres of mixed housing types. Buildings within these communities can vary as well, from neighborhoods consisting primarily of single-family attached and detached dwellings, to mixed use centers, complete with integrated retail, civic, office and residential uses, including live-work units, and housing units located on top of shops.

In smaller V-1, Village Districts, existing streets and amenities provide important services. In larger V-1, Village Districts, the various uses are connected and unified by a network of streets providing a pedestrian and bicycle-friendly environment. Within this street network on-street parking is provided as a traffic-calming and pedestrian-safety device, while street

trees and sidewalks create a pleasant and safe walking environment. Regardless of size, the pedestrian-oriented nature of the district is reinforced by human-scaled buildings which relate to the street, provide safe pedestrian access, and create a distinct district identity. In addition, the master planned nature of this district allows building setbacks to be reduced from conventional standards as part of a carefully programmed and cohesive design. This district also supports the preservation of environmentally and historically sensitive or significant sites and the incorporation of a variety of open space and recreational amenities into new development. Different types of open space are distinguished, and uses permitted within each reflect the open spaces' unique purposes. Lots sizes may be smaller and more varied than conventional lots to provide for adequate densities while encouraging preservation of green space.

- B. To provide maximum flexibility in the application and implementation of design standards within areas specifically designated by an adopted Community Concept Master Plan. This district is created with the intent of achieving a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into new streets and roads, and provides for the sensitive placement of open spaces in relation to building masses, street design and accessories, and landscaping features in a manner otherwise not insured by the application of conventional developments and standards. The village concept combines a mixture of compatible uses including single-family, townhomes, condominiums, and the adjoining village neighborhood retail/office area. This shall be all blended in a compact, walkable layout with tree-lined streets, a network of wide sidewalks, open space that preserves natural land features, and necessary public and community facilities.

Additionally, this district shall create a traditional development that provides a diversity in social and economic backgrounds while enhancing aesthetics and maintaining a small town character. Public water and sewer is required in this district.

1. General Specifications to Qualify for V-1 (Village) Zone:

- Must have access to a State Highway
- Must be located in areas designated for Village Development
- All buildings (commercial, multi-family, including duplexes and single family residential) must have automatic fire protection sprinkler systems installed.
- Streets must be curbed and guttered throughout neighborhood development
- Utilities must be underground
- Sidewalks connect residential areas to open space areas and commercial areas (true, walkable community)
- Open space includes specific areas for active and passive recreation (playground, park benches, trails, etc.)

- Development requires the establishment of a Homeowner's Association and Design Review Committee. Members of the Design Review Committee may be appointed by the developer.
- Approved area must have access to a public sewer system
- Must be located in an area where the water utilities have the capacity to supply the development

2. General Concept Plan Specifications:

- All V-1 Zoning Developments require a Concept Plan which addresses the following:
  - Site description including opportunities and constraints
  - Design intent of the Concept Plan
  - Concept Plan showing blocks, streets, lots, and open spaces
  - Conceptual street sections
  - Storm water drainage concepts
  - General bulk requirements for Village Core Buildings (placement, height, massing, etc.)
  - General bulk requirements for Multi-Family Buildings (lot size, placement, height, massing, etc.)
  - General bulk requirements for Single-Family Residences (lot size, placement, height, massing, etc.)
  - General requirements for Civic/Institutional Buildings
  - Landscape and streetscape standards
  - Signage standards
  - Regulating plan showing the distribution of building types within the village
  - Other requirements or regulations that deviate from standard zoning regulations

3. Permits and Other Regulations:

Developer is responsible for application for appropriate permits from Local, State and Federal Government.

4. Steps of Approval Process:

- a. The applicant will request a preapplication conference with city staff to evaluate the proposal and to determine and clarify any issues that may arise.
- b. The applicant shall submit a preliminary master plan and rezoning request to the Planning Commission for their consideration along with the required fees.
- c. The Planning Commission may approve or reject the request. If approved, the Planning Commission shall recommend the necessary V-1 Zoning to the Board of Mayor and Aldermen. If rejected, the applicant may appeal the decision to the Board of Mayor and Aldermen.

- d. After approval of the preliminary master plan and amendment of the zoning map, preparation of the final master plan may begin.
  - e. The applicant shall submit a final master plan to the Planning Commission for their consideration. A preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the Village.
  - f. Prior to the sale or transfer of any property, the applicant shall submit and have approved a final subdivision plat ready for recordation.
5. Application for approval of the Preliminary Master Plan and Zoning Request.

C. Administrative Procedure

The provisions of this section govern the procedure for review and approval for all V-1, Village Zoning in any area subject to these provisions. The Board of Mayor and Aldermen may, within its legislative power, impose V-1, Village Zoning upon any land area deemed appropriate in the Community Concept Master Plan. The landowner shall follow these procedures before any zoning permits can be issued and the land developed.

Application for approval of the preliminary master plan shall be made by the landowner of the affected property or his authorized agent, to the Planning Commission in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they are not inconsistent, herewith.

1. Application for Preliminary Master Plan:
- a. The preliminary master plan for the proposed Village development shall be a general concept plan which shall include such items as the Planning Commission by general rule shall specify in order to disclose;
  - b. The location and size of the area involved;
  - c. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas;
  - d. Location and approximate dimensions of structures including approximate height and bulk, and the utilization of structures including activities and the number of living units;
  - e. Estimated population and density and extent of activities to be allocated to parts of the project;

- f. Reservations for public uses including schools, parks and other open spaces;
  - g. Availability commitments from the appropriate water and sewer provider;
  - h. Major landscaping features, including topography;
  - i. The general means of the disposition of sanitary wastes and storm water;
  - j. North arrow, graphic scale, and location map showing relationship to existing street system and adjoining properties.
2. A tabulation of the land area to be devoted to various uses and activities and overall densities.
  3. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
  4. The general substance of covenants, grants of easements, deed restrictions, or other restrictions to be imposed upon the use of the land, buildings structures including proposed easements for public utilities.
  5. A development schedule, setting forth when the landowner intends to commence construction and an estimated completion period for the development infrastructure.
  6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission, thereof.
  7. A filing and review fee in an amount determined according to the standard fee schedule as approved by the Board of Mayor and Aldermen.
  8. A general summary explaining the character, intent of the Village.

If the application is incomplete, the Planning Commission shall hold in abeyance their formal review until such time as complete information is submitted.

D. Application for Approval of the Final Master Plan

The action of the Board of Mayor and Aldermen on the zoning request and the preliminary master plan shall authorize and form the basis for the Planning Commission approval of a final master plan.

1. Application for Final Master Plan Approval

After zoning a V-1 District, the landowner may make application to the Planning Commission for approval of a final master development plan. The application shall include: (1) All aspects of the preliminary application; (2) Approximate lot locations, with lot type identified; and (3) Approximate total number of lots by lot type.

2. Final Approval of Stages

The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large Village Development.

3. Final Master Plan Drawing with Appropriate Legend and Data Block Showing:

- a. Area boundaries;
- b. Approximate lot locations, with lot type identified;
- c. Approximate total number of lots by lot type;
- d. Approximate number of single-family dwelling units, multi-family dwelling units and townhouse units located within said area, as well as a total square footage of all nonresidential uses;
- e. Approximate footprints of all buildings, including parking decks, with the exception of one-, two-, three-, and four-family dwellings;
- f. Approximate storefront area locations;
- g. Approximate alley locations;
- h. Approximate street locations and street names of utilized streets, including widths and intersection radii;
- i. Approximate sidewalk locations showing an interconnected and continuous network;
- j. Approximate utilities and utility easement locations;
- k. Approximate active recreation area, limited access area, park, plaza and preserve area locations;
- l. Approximate pedestrian trails and other amenity locations;
- m. Any other structures or development requiring a Building Permit;

- n. North arrow;
  - o. Scale of drawing;
  - p. Existing street names;
  - q. Detail building design and landscaping plans
  - r. Details and locations of signs
  - s. Grading plans showing existing and proposed topography
  - t. Additional information as determined by the Planning Commission to indicate fully the ultimate operation and appearance of the Village.
4. The applicant shall provide a draft of conditions, covenants and restrictions for said property. Prior to issuance of a Certificate of Occupancy for any structure, a final version must be approved by the Planning Commission. Conditions, covenants and restrictions must address the following issues:
- a. Create a Property Owners' Association and a Commercial Area Association with mandatory membership for each property owner and commercial area resident within the Village;
  - b. Require the collection of assessments for members in an amount sufficient to pay for its functions;
  - c. Provide for ownership, development, management and maintenance of all community parking facilities and other common areas;
  - d. Provide for maintenance of landscaping, street furniture and trees within the sidewalk; and
  - e. Provide for sidewalk cleaning and maintenance in rights-of-way adjacent to commercial uses.
5. The applicant shall provide a draft agreement between the applicant and the Town of Pleasant View detailing installation and maintenance responsibilities.
6. Permitted Uses
- A building or premise shall be used for permitted principal uses and structures only as identified in the Master Concept Plan.
7. Requirement for Maintenance Organization
- In any instance where common open space is to be conveyed to an organization other than a public agency, the Planning Commission

and City Council shall require that the landholder provide for and establish an organization such as the Association for the ownership and maintenance of any common open space and that such organization shall continue in perpetuity, 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.

The developer shall provide a description of such association, including the By-Laws and general responsibilities for maintaining the common open space.

8. Mandatory Provisions Governing Organization and Operation of Property Owners' Association or Maintenance Association

The common open space and associated facilities may be held in common ownership by the association or maintenance association. Such an association shall be formed and operated under the following provisions:

- a. Such association shall be organized by the developer and shall be operated with a financial subsidy from the developer before the sale of any lots within the development.
- b. Membership in such association is automatic (mandatory) for all purchasers of property therein and their successors in title. The conditions and timing of transferring control of such association from developer to the property owners shall be identified.
- c. Such association shall be responsible for maintenance of insurance including but not limited to liability and property insurance and taxes on all open space, enforceable by liens placed by the city on the association. Such association may place liens on the property of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
- d. The members of such association shall share equitably the cost of maintaining and developing such undivided open space. The allocation of such cost among members shall be defined within the association By-Laws or other relevant governing documents.
- e. In the event of a proposed transfer of common open space by an association or of the assumption of maintenance of undivided open space land by the city, notice of such action shall be given to all property owners within the development, or, in circumstances where sub-associations have been created in accordance with the conditions, covenants, and restrictions, to such sub-association boards.

- f. Such association shall utilize adequate resources to administer common facilities and properly maintain the undivided open space.
- g. That the operation of common open space facilities may be for property owners only, or may open to the residents of the city, at the election of the developer and/or such association, as the case may be.

9. Assurance Involving the Provision of Common Open Space

The Planning Commission shall require adequate assurance, in a form and manner that it approves, that the common open space, formally recreational improvements or engineered improvements, shown on the Master Plan will be provided and developed. The following method of assurance is illustrative of the type of assurance which may be required: the city may require a Letter of Credit, Corporate Surety, or other acceptable financial guarantee in an amount sufficient to construct the common open space improvements shown on the approved Master Plan and posted at the time the final plat is filed at the Register of Deeds Office.

10. Final Plat Approval and Recordation

- a. Applicant shall submit a final plat for approval by the Planning Commission for each phase of the development. The final plat shall include the following approved signatures:
  - (i) Water/Utility District
  - (ii) Sewer
  - (iii) Road Approval
  - (iv) Director of Planning (Staff Planner)
  - (v) Fire Marshal
  - (vi) Engineering
  - (vii) Owner
  - (viii) Statement of Dedication of Public Streets and Sidewalks

E. Amendments to the Village

The terms, conditions, and the final master plan of a Village may be changed from time to time by official action of the Planning Commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following:

That such amendment is consistent with the intent of the V-1, Village District, and will not adversely affect the community objectives stated in the City's Community Concept Master Plan.

The landowner, the residents and/or owners of or in the Village may apply to the Planning Commission for an amendment to the master plan. The Planning Commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the Village or any adjoining properties. Minor changes in the location, sitting, and height of buildings may be authorized by the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Other changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change must be justified by changes in conditions or markets since the final plat was approved.

F. Cancellation of an Adopted V-1, Village Development

In the event that actual construction has not begun within one (1) year from and after the date of the ordinance adopting or amending a planned unit development, (or after any period of extension officially authorized), the Planning Commission, shall conduct an official meeting with notice to the landowner, to review the zoning and feasibility of the V-1 Development and may act to cancel or extend approval of the master plan depending on the circumstances of each case in any case where said V-1 Development has:

1. Received Preliminary Master Plan Approval and the Rezoning Ordinance has been adopted and the Final Master Plan has not been submitted for approval within one (1) year.
2. Received Final Master Plan approval and construction has not begun within one (1) year. In this instance, the building commission shall not issue new permits.
3. Received Final Master Plan approval and construction has lapsed for more than one (1) year.
4. Received Final Master Plan approval and construction of the development falls more than two (2) years behind schedule filed with the Final Master Plan.

G. Building Permits

A Building Permit shall be issued for structures, buildings, activities, or uses as a part of a finally adopted V-1 Development only in strict compliance with the Master Development Plan of the particular V-1 Development including the conditions of approval and only after the

administrative procedure outlined in this section has been strictly adhered to. No Building Permit shall be issued for the area included in a preliminary plan until a final master development plan has been approved and adopted and the developer has obtained all State and Federal permits.

H. Certificate of Occupancy

A use and occupancy permit shall be issued only when the building inspector determines that the structure, building, activity, or use conforms to the final master development plan as approved by the Planning Commission.

**5.050 COMMERCIAL DISTRICT REGULATIONS**

The following regulations shall apply in the commercial districts established in Article V, Section 5.010, of this ordinance.

**5.051 C-1, General Commercial District**

A. District Description

This district is established to provide areas in which the principal uses of land are devoted to general and highway commercial activities along the principal thoroughfares in Pleasant View. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Pleasant View and to provide for necessary off-street parking and loading. All lots shall be considered fronting on either arterial or collector roads as indicated on the latest official major thoroughfare plan.

B. Uses Permitted

In the C-1, General Commercial District, the following uses are permitted:

1. Administrative services, including city, county, State and Federal offices, fire and police departments, court buildings and post offices.
2. Community assembly, including civic, social, fraternal and philanthropic institutions, private clubs and lodges and temporary nonprofit festivals.
3. Cultural and recreational services, including libraries, museums, parks and playgrounds, gymnasiums and swimming pools.
4. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
5. Health care facilities, including rehabilitation center, convalescent homes, hospitals and medical clinics.
6. Boarding and rooming houses.

7. Animal care and veterinarian clinics.
8. Automotive parking lots and garages.
9. Automotive services and repairs, including the sale of gas, oil, tires and other goods and services required in the operation of automobiles.
10. Sale of building materials, farm equipment and supplies and lawn and garden supplies.
11. Consumer repair services, including appliances, furniture and other types of personal equipment.
12. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores, and other similar uses.
13. Entertainment and amusement centers, including auditoriums, theaters, bowling alleys, billiard parlor, miniature golf, and batting cages.
14. Financial, consulting and administrative services.
15. Restaurants and taverns.
16. Drive-in restaurants and fast food restaurants.
17. General business, communication services, and business schools.
18. Personal service establishments.
19. Retail sale of general merchandise items.
20. Medical and professional offices.
21. Hotels and motels.
22. Sale or rental of automobiles, boats, motorcycles and of motorized vehicles.
23. Wholesale sales of consumer goods.
24. Funeral and cemetery services.
25. Limited Manufacturing Activities

Including the following operations:

- a. The manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

**Apparel and Apparel Accessories  
Art Objects  
Bakery Goods  
Beverages (nonalcoholic)  
Dairy Products  
Instruments for Medical, Dental, Engineering,  
Scientific, and Other Professional Purposes  
Optical Instruments and Lens  
Printed Matter  
Signs**

- b. Activities and operations which include the following:

**Book Binding  
Data Processing Service  
Photocopying  
Photoengraving  
Precision Machining of Dies, Jigs, and Fixtures  
Printing  
Publishing  
Record Pressing  
Upholstering  
Welding**

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
2. Accessory off-street parking and loading facilities as required in Article IV, Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-1, General Commercial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.070.

1. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

**Cemeteries, Columbariums, and Mausoleums  
 Colleges, Junior Colleges, and Universities,  
 but Excluding Profit-Making Business Schools  
 Commercial Boat Docks, Marinas, and Yacht Clubs  
 Country Clubs  
 Day Care Centers  
 Golf Courses  
 Radio and TV Transmission Facilities  
 Water Storage Facilities, Water and Sewage  
 Treatment Plants**

2. Group Assembly

Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as community facilities, to large groups of assembled spectators and/or participants of five hundred (500) or more or that have a substantial potential impact upon adjoining property.

**Amusement Parks  
 Commercial Camp Grounds  
 Commercial Resorts  
 Commercial Sports Arenas and Playing Fields  
 Drag Strips  
 Race Tracks (Auto, Motorcycle, Dog, and Horse)**

E. Uses Prohibited

In the C-1, General Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the C-1, General Commercial District, shall comply with the following requirements.

1. Minimum Lot Size

<b>With Public Water</b>	<b>20,000 sq. ft.</b>
<b>Without Public Water</b>	<b>5 acres</b>
<b>Lot Width at Building Setback</b>	<b>100 ft.</b>

2. Minimum Yard Requirements

<b>Front Yard Setback</b>	<b>50 ft.</b>
<b>Side</b>	<b>10 ft.</b>

**except where the side yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be forty (40) feet.**

**Rear** **20 ft.**  
**except where the rear yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be forty (40) feet.**

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures including accessory structures, shall not exceed forty (40) percent of the total area of the lot.

4. Height Requirements

No principal structure shall exceed thirty-five (35) feet or three (3) stories in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 7.040.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscaping

See Article III, Section 3.110.

**5.052 C-2, Neighborhood Commercial District**

A. District Description

These districts were designed to provide adequate space in appropriate locations for limited commercial uses which serve the needs of the residents of the area.

B. Uses Permitted

In the C-2, Neighborhood Commercial District, the following uses are permitted:

1. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
2. Professional services. **(Deleted and Replaced by Ordinance 05-15, July 12, 2005)**

3. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores and other similar uses.

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
2. Accessory off-street parking and loading facilities as required in Article IV, Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

**Day Care Centers**

E. Uses Prohibited

In the C-2, Neighborhood Commercial District, any use not permitted by right, by accessory use, or as a special exception, as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the C-2, Neighborhood Commercial District, shall comply with the following requirements.

1. Minimum Lot Size

<b>with Public Water</b>	<b>20,000 sq. ft.</b>
<b>without Public Water</b>	<b>5 acres</b>

**Lot Width at Building Setback**                      **100 ft.**

2. Minimum Yard Requirements

**Front Yard Setback**                                      **50 ft.**  
**Side**    **20 ft.**

**except where the side yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be forty (40) feet.**

**Rear**    **20 ft.**

**except where the rear yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be forty (40) feet.**

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures including accessory structures, shall not exceed twenty-five (25) percent of the total area of the lot.

4. Height Requirements

No principal structure shall exceed thirty-five (35) feet in height, except as provided in Article VII, Section 7.040.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any side lot line, rear lot line, and any building on the same lot.

7. Landscaping

See Article III, Section 3.110

**5.053 C-3, Interstate Commercial District (Added by Ordinance 05-20, November 8, 2005)**

A. District Description

The intent of the Interstate Commercial Overlay District is to provide maximum flexibility in design and to insure a minimum standard of site development for commercial activities involving the interstate location within the Town of Pleasant View. This zone is intended for a unified grouping of commercial buildings, which do not require or desire a central business district location. Proposed uses of commercial development projects shall conform to the intent and permitted uses for the interstate commercial overlay district within which it is to be located. It is the objective of this district to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible. This zone is designated for typical interstate exchange uses including, but not limited to: hotels, motels, fast food chains gasoline stations and convenience stores.

**Zone Location:**

East of U.S. Highway 41A to county line. From Christopher Lane to the State ROW Access.

B. Uses Permitted

In the C-3, Interstate Commercial Overlay District, the following uses are permitted:

1. Administrative Services
2. Self-Service Gasoline Pumps
3. Exhibition Halls and Auditoriums
4. Theaters
5. Skating Rinks
6. Coin Operated Amusement Arcades
7. Restaurants
8. Drive-In Restaurants
9. Fast Food Restaurants with Drive-Thru Service
10. Construction Sales and Services
11. General Retail Trade
12. Motels
13. Hotels
14. Essential Services

C. Accessory Uses and Structures

1. Commercial Outdoor Kennels
2. Drive Through Windows (associated with any use)
3. Stalls or Merchandise Stands for Outdoor Sales at street front; outdoor storage must be behind the principal structure and screened from view from public areas.
4. Warehousing accessory to merchandise showroom (within an enclosed structure).
5. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the C-3, Interstate Commercial Overlay District, the following uses may be permitted as special exceptions, after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.070.

1. Amusement Facilities.
2. Car Wash.
3. Gasoline Service Stations, including service and repair of motor vehicles.
4. Temporary outdoor sales of agricultural products.
5. Temporary Mobile Food Sales.
6. Vehicle and Boat sales, service, rental and mechanical repair.
7. Transit-oriented parking lots as a principal use.

E. Uses Prohibited

In the C-3, Interstate Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the C-3, Interstate Commercial District, shall comply with the following requirements:

1. Minimum Lot Size

<b>Minimum Lot Area</b>	<b>10,000 sq. ft.</b>
<b>Lot Width at Building Setback</b>	<b>125 ft.</b>

2. Minimum Yard Requirements

<b>Front Yard Setback</b>	
<b>Adjacent to Public R.O.W.</b>	<b>30 ft.</b>
<b>Not Adjacent to Public R.O.W.</b>	<b>NA</b>

<b>Side</b>	
<b>Adjacent to R.O.W.</b>	<b>15 ft.</b>
<b>Interior</b>	<b>0 ft.</b>
<b>Adjacent to residential</b>	<b>40 ft.</b>

<b>Rear</b>	
<b>Adjacent to R.O.W.</b>	<b>15 ft.</b>
<b>Interior</b>	<b>0 ft.</b>
<b>Adjacent to residential</b>	<b>40 ft.</b>

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures including accessory structures, shall not exceed forty (40) percent of the total area of the lot.

4. Permitted Building and Lot Type

**Commercial:** up to fifteen thousand (15,000) square feet of first floor area on an arterial street; up to three thousand (3,000) square feet of first floor area on a collector street.

**Shop Front:** up to fifteen thousand (15,000) square feet of first floor area on an arterial street; up to three thousand (3,000) square feet of first floor area on a collector street.

5. Height Requirements

No principal structure shall exceed thirty-five (35) feet or three (3) stories in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 7.040. However, if the adopted "Building Code" of the Town of Pleasant View, Tennessee is more strict, then the building code restrictions shall prevail.

6. Parking Space and Loading Requirements

Accessory off-street parking and loading facilities as required in Article IV, Section 4.010.

7. Accessory Structures

Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

8. Landscaping

All lots, parcels or leased property shall have a landscaped area of at least five (5) feet wide running the entire length of the property frontage (minus the ingress/egress sections). Refer to Article III, Section 3.110, for requirements of species and size for all public right-of-way landscaping.

9. Open Space

All lots, parcels or leased property shall have a minimum of fifteen (15) percent open space. The land area that includes drainage areas such as retention/detention ponds may count for a maximum of five (5) percent towards the total fifteen (15) percent required open space. If the drainage area is designed with fountains, man-made streams or waterfalls, or other amenities, then the entire drainage area may count towards the minimum fifteen (15) percent required open space.

G. On-Site Drainage and Erosion Control Measures

All storm-water drainage and soil erosion must be controlled and maintained on-site. It is strongly discouraged to have a large retention/detention pond or basin to control on-site storm-water drainage. It is recommended that the storm-water drainage system be enhanced by means of man-made streams, waterfalls and/or fountains. The entire drainage system with one or more of these design features will count entirely towards the open space requirement.

H. General Provisions

1. Streets

- a. All lots, parcels, out parcels or leased lots shall have ingress/egress from public or private streets/drives.
- b. All lots, parcels, out parcels or leased lots shall have access to a street (whether public or private) with a minimum fifty (50) foot right-of-way and a minimum pavement width of twenty-eight (28) feet.
- c. A private drive will not be accepted by the Town of Pleasant View as a public right-of-way unless it is built to City standards and meets all zoning requirements (including building setbacks).
- d. All streets shall be constructed to City street standards. A public right-of-way shall be built to connect the adjacent properties, in order to create connectivity. If due to topographic conditions or some other physical constraint, this may be waived by the Planning Commission.
- e. **Traffic Impact Studies:** Depending on the size and type of development, the Planning Commission may require a Traffic Impact Study at the developers expense. The study shall be completed by a licensed engineer, with expertise in traffic engineering, and presented at the same time as the site plan for approval. The City Engineer shall review and determine if the Traffic Impact Study is complete and acceptable.
- f. **Cul-de-sacs (public or private):** The minimum dimensions are:

<b>Total Length (measured centerline to center of cul-de-sac)</b>	<b>1,000 ft.</b>
<b>R.O.W. Radius</b>	<b>50 ft.</b>
<b>Diameter of Paved Area</b>	<b>80 ft.</b>
<b>Transition Curve Radius</b>	<b>75 ft.</b>

- g. Any proposed public street or private drive shall be perpendicular (90 degree angle) to:
- h. Any existing public R.O.W.
  - i. Any other proposed public R.O.W.
  - ii. Any other proposed private R.O.W.

2. Pedestrian Ways

- a. Pedestrian walkways shall be a concrete sidewalk or a five (5) foot paved asphalt surface. The asphalt surface shall only be allowed in order to connect to the City's Greenway Project.
- b. Sidewalks shall be required on both sides of private or public right-of-ways.
- c. If there is only one building proposed, a pedestrian walkway shall be constructed to connect to an existing or proposed sidewalk, or it shall be extended to the side-yard property lines so as to connect to adjacent properties.
- d. If there is an existing or proposed sidewalk for an existing public right-of-way, then any new development shall construct a sidewalk along the property line adjacent within the public right-of-way. If there is a sidewalk along the property line of an adjacent property and the public right-of-way, then the sidewalk shall be constructed to extend along the new development and within the public right-of-way.

3. Signs

Signs in compliance with the regulations set forth in Article IV, Section 4.080, with the following exceptions:

- a. Signs which measure a minimum of thirty-two (32) square feet in display area but not more than three hundred (300) square feet in display area shall be limited to the C-3, Interstate Commercial District.
- b. Interstate signs shall be allowed in addition to the allowable monument, wall, marquee, projecting, awning or canopy signs. Changeable-copy pole signs shall be prohibited if an interstate sign is constructed on the property.
- c. No interstate sign shall be erected closer than one hundred (100) feet from any residential zoned district. For the purposes of determining the spacing required, distances shall be measured from the sign structure to the property line of the nearest residential zoned district.

- d. The proximity to any other interstate sign shall be subject to planning commission approval. The sign permit applicant shall provide specific distance measurements to all other signs of said type within a fifteen hundred (1500) foot radius. For the purpose of determining the distance requirements, the distance shall be measured from the proposed sign structure to the next closest sign structure.
- e. The height of all interstate sign structures shall receive approval from the Planning Commission and shall be a minimum of thirty (30) feet in height and shall not exceed seventy-five (75) feet in height, measure from the centerline elevation of access to property.
- f. Location of the interstate sign shall be prohibited within the building setbacks of the property.
- g. In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the Planning Commission shall make an interpretation of the ordinance. Such interpretation shall be made in writing and given to the Building Commissioner to be kept in the permanent record for that site application.

**5.060 INDUSTRIAL DISTRICT REGULATIONS**

The following regulations shall apply in the Industrial Districts established in Article V, Section 5.010, of this ordinance.

**5.061 I-1, General Industrial District**

A. District Description

This district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, and commercial establishments and community facilities which provide needed services for industry and are complimentary thereto are permitted.

B. Uses Permitted

In the I-1, General Industrial District, the following uses are permitted:

- 1. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
- 2. Animal care and veterinarian clinics.

3. Sale of building materials, farm equipment and supplies and lawn and garden supplies.
4. Construction sales and services, including building supply houses.
5. Restaurants and taverns.
6. Drive-in restaurants and fast food restaurants.
7. Transport and warehousing, storage, freight handling, shipping, and trucking services.
8. Wholesale sales of consumer goods.
9. Limited Manufacturing Activities

Including the following operations:

- a. The manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

**Apparel and Apparel Accessories**  
**Art Objects**  
**Bakery Goods**  
**Beverages (nonalcoholic)**  
**Dairy Products**  
**Instruments for Medical, Dental, Engineering,  
 Scientific, and Other Professional Purposes**  
**Optical Instruments and Lens**  
**Printed Matter**  
**Signs**

- b. Activities and operations which include the following:

**Book Binding**  
**Data Processing Service**  
**Photocopying**  
**Photoengraving**  
**Precision Machining of Dies, Jigs, and Fixtures**  
**Printing**  
**Publishing**  
**Record Pressing**  
**Upholstering**  
**Welding**

10. Intermediate Impact

**Commercial Boat Docks, Marinas, and Yacht Clubs**  
**Radio and TV Transmission Facilities**  
**Water Storage Facilities, Water and Sewage  
 Treatment Plants**

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
3. Accessory off-street parking and loading facilities as required in Section 4.010.

D. Uses Permitted as Special Exceptions

No uses are permitted as Special Exceptions in the I-1, General Industrial District.

E. Uses Prohibited

In the I-1, General Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the I-1, General Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

<b>Minimum Lot Area</b>	<b>1 acre</b>
<b>Lot Width at Building Setback</b>	<b>125 ft.</b>

2. Minimum Yard Requirements

<b>Front Yard Setback</b>	<b>50 ft.</b>
<b>Side Yard Setback</b>	<b>20 ft.</b>

**except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be forty (40) feet.**

<b>Rear</b>	<b>20 ft.</b>
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**except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be forty (40) feet.**

No yard shall be required for that portion of the tract that fronts on or abuts a railroad right-of-way.

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed fifty (50) percent of the total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Article VII, Section 7.040.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscaping

See Article III, Section 3.110

**5.062 I-2, Heavy Industrial District**

A. District Description

This district is designed to accommodate industrial uses which involve more objectionable influence and hazards, and which therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of Pleasant View.

B. Uses Permitted

In the I-2, Heavy Industrial District, the following uses are permitted:

1. All uses permitted in the I-1, General Industrial District
2. Junk, Automobile Wrecking and Scrap Operations as regulated in Article IV, Section 4.100.
3. Mining and Quarrying Activities

4. Intermediate Manufacturing Activities including, but not limited to the following:

**Art Materials, Pens, and Pencils**  
**Cotton Ginning**  
**Fabricated Metals**  
**Food and Kindred Products**  
**Foundries**  
**Furniture and Fixtures**  
**Grain Milling**  
**Lumber and Wood Products**  
**Mineral Processing**  
**Organic Fertilizers**  
**Primary Metals**  
**Stone, Clay, and Glass products**  
**Textile Mills**  
**Tobacco**  
**Toys, Amusements, Sporting and Athletic Goods**

5. Extensive Impact Manufacturing and Industry including, but not limited to the following:

**Asphaltic Cement Plants Cement and/or Concrete Plants**  
**Chemical and Allied Products Manufacturing**  
**Cotton Seed Oil**  
**Offal Processing**  
**Ore Reduction**  
**Paper and Allied Products**  
**Pulp Manufacturing**  
**Petroleum Refining and Related Industries**  
**Rolling and Finishing of Ferrous Materials**  
**Rubber and Miscellaneous Plastic Products**  
**Slaughtering of Animals**  
**Smelting and refining of Metal and Alloy**

6. Extensive Impact Community Facilities

The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

**Airports, Air Cargo Terminals, Heliports, or Other  
Aeronautical Devices**  
**Correction and Detention Institutions**  
**Electricity Generating Facilities and Transmission Lines**  
**Major Fuel Transmission Lines and Facilities**  
**Major Mail Processing Centers**  
**Military Installations**  
**Public and Private Utility Corporations and  
Truck Yards, Including Storage Yards**  
**Railroad Yards and Other Transportation Equipment  
Marshaling and Storage Yards**

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
3. Accessory off-street parking and loading facilities as required in Article IV, Section 4.010.

D. Uses Permitted as Special Exceptions

In the I-2, Heavy Industrial District, the following uses are permitted as special exceptions as regulated in Article VIII, Section 8.070.

1. Fat Rendering
2. Abrasive, Asbestos, and Nonmetallic Manufacturing
3. Any other use which in the opinion of the Pleasant View Board of Zoning Appeals is similar in character and function to those uses permitted or uses permitted as special exceptions in the I-2, Heavy Industrial District.

E. Uses Prohibited

In the I-2, Heavy Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the I-2, Heavy Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

<b>Minimum Lot Area</b>	<b>1 acre</b>
<b>Lot Width at Building Setback</b>	<b>150 ft.</b>

2. Minimum Yard Requirements

<b>Front Yard Setback</b>	<b>50 ft.</b>
<b>Side</b>	<b>20 ft.</b>

**except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be forty (40) feet.**

**Rear** **20 ft.**  
**except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be forty (40) feet.**

No yard shall be required for that portion of the tract that fronts on or abuts a railroad right-of-way.

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed fifty (50) percent of the total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height, except as provided in Article VII, Section 7.040.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscaping

See Article III, Section 3.110.

**5.063 I-3, Special Industrial District**

A. District Description

The I-3, Special Industrial District, is intended to provide suitable areas for intense or potentially noxious industrial operations. Secondly, it is intended to protect these industrial lands from encroachment by other uses and to protect other uses from encroachment by these industrial uses.

B. Uses Permitted

In the I-3, Special Industrial District, the following uses are permitted:

1. All uses permitted in the I-1, General Industrial District.
2. All uses permitted or permitted as special exceptions in the I-2, Heavy Industrial District.

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.
3. Accessory off-street parking and loading facilities as required in Article IV, Section 4.010.

D. Uses Permitted as Special Exceptions

1. Arsenals
2. Atomic Reactors
3. Explosives Manufacturing and Storage
4. Fireworks Manufacturing
5. Hazardous Wastes
6. Radioactive Wastes
7. Solid Waste Landfills
8. Waste Incinerators, including Hospital and Medical Waste
9. Any other use which in the opinion of the Pleasant View Board of Zoning Appeals is similar in character and function to those uses permitted or used permitted as special exceptions in the I-3, Special Industrial District.

E. Uses Prohibited

In the I-3, Special Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the I-3, Special Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

<b>Minimum lot area</b>	<b>1 acre</b>
<b>Lot width at building setback</b>	<b>150 ft.</b>

2. Minimum Yard Requirements

<b>Front yard setback</b>	<b>75 ft.</b>
<b>Side yard setback</b>	<b>25 ft.</b>
<b>Rear yard setback</b>	<b>30 ft.</b>

3. Maximum Lot Coverage

On any lot or tract the area occupied by all structures, including accessory structures shall not exceed forty (40) percent of total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height, except as provided in Article VII, Section 7.040.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

- a. With the exception of signs, accessory structures shall not be erected in the front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line and from any building on the same lot.

7. Landscaping

See Article III, Section 3.110.

**5.070 MIXED USE OVERLAY DISTRICT (Amended by Changing Old Section 5.070 to 5.080, and Adding New Section 5.070, by Ordinance 06-03, March 14, 2006)**

A. Purpose and Intent

The purpose and intent of this district is to encourage infill development in areas with existing infrastructure investments as a means of achieving balanced growth with efficient land use and cost effective delivery of services. The

provisions of this district recognize the challenges inherent in developing successful infill properties, and insure that new development is consistent in character and scale with the established neighborhood and business district.

The specific objectives of this ordinance as related to infill and redevelopment are to:

1. Promote neighborhood preservation and enhancement through redevelopment.
2. Encourage mixed use development of the neighborhood and provide housing close to jobs.
3. Provide clear development standards that promote compatibility between new and existing development.
4. Provide flexibility in lot size, configuration, and vehicle access to facilitate infill development.
5. Encourage development and preservation of affordable housing with infill development.

B. Applicability

This district implements the Mixed Use Planned Unit Development District (MPUD). The provisions of this district shall apply to all parcels lying within the boundaries of Bell Street, Spring Street, Pleasant View Road, Church Street and State Highway 49, on the official zoning map.

All land uses and development including buildings, drives/parking areas, landscaping, streets, alleys, shall be located and developed in accordance with the provisions of the MPUD Districts and development regulations, except as modified by this article.

C. Permitted Uses

1. Accessory Apartments

An accessory dwelling is a secondary unit permitted on a single family lot. The additional unit can be detached or a unit attached to a garage, or in apportion of an existing structure or house.

a. Standards

- i. The structure must comply with all residential building, health, safety, and fire codes.
- ii. A maximum of one (1) accessory dwelling unit is permitted per lot.
- iii. The accessory shall not exceed eight hundred (800) square feet in floor area.

- iv. Accessory units shall contain no more than one (1) bedroom and no more than one (1) bathroom.
- v. No accessory dwelling units shall be permitted on lots containing less than five thousand (5000) square feet.
- vi. The exterior appearance of a detached or a unit attached to a garage shall be architecturally compatible with the primary structure or residence. Compatibility includes coordination of architectural style, exterior building materials and colors, roof form and pitch, window style and placement, and landscaping.
- vii. All accessory dwelling units shall have separate entrances and shall be oriented towards the side or rear yards.
- viii. The placement and design of windows on attached accessory dwelling units shall ensure privacy for abutting properties. Privacy is maintained by orienting windows away from site lines (i.e., above or out of view into adjacent yards or opposing windows of adjacent structures or dwellings) or by using obscure glass.
- ix. A minimum of one parking space shall be provided for each accessory dwelling. The parking space may be provided on a street in front of the lot, if on-street parking is permitted.

2. Nonresidential Uses

The following nonresidential uses are permitted as neighborhood conveniences. Buildings may be of new construction or alterations to existing residential structures, non-residential buildings shall not exceed three thousand (3,000) square feet of heated space per lot.

**Commercial Activities**

**Convenience Commercial  
 Entertainment and Amusement Services  
 Financial, Consulting and Administrative Services  
 Food and Beverage Services  
 Food Service (Drive-In)  
 General Personal Services  
 General Retail Trade  
 Medical and Professional Services**

**Community Facility Activities**

**Administrative Services  
 Community Education  
 Cultural and Recreational Services  
 Personal and Group Care Facilities  
 Religious Facilities**

D. Design Standards for Permitted Nonresidential Uses

1. Site shall have frontage on a collector or arterial street.
2. When two (2) or more nonresidential uses abut one another, driveways shall be at least seventy-five (75) feet apart or ingress/egress shall be provided by a shared driveway.
3. No building shall contain more than three thousand (3000) square feet.
4. If more than one (1) use shares a single building, no single use shall contain less than one thousand (1000) square feet.
5. Hours of operation 6:00 a.m. to 10:00 p.m.
6. No outdoor storage shall be permitted.

E. Parking Areas

1. On-Street parking may be credited toward the minimum parking requirements except where prohibited.
2. All off-street must be provided in rear or side yards and screened preferably by landscaping.
3. No commercial vehicle may be parked on the street or on the premises for more than ninety (90) minutes.
4. Setbacks (refer to Article VI, Section 6.060, Subsection B, Table 6-1).

**5.080 FLOODPLAIN ZONING ORDINANCE, STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES DISTRICT (Amended by Changing Old Section 5.070 to 5.080, by Ordinance 06-03, March 14, 2006)**

A. Statutory Authorization

The Legislature, of the State of Tennessee, has in Section 13-7-201, Tennessee Code, delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program. Therefore, the Board of Mayor and Aldermen of Pleasant View, Tennessee, does resolve as follows:

B. Findings of Fact

1. The Pleasant View Board of Mayor and Aldermen wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d), of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.

2. Areas of Pleasant View are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

D. Objectives

The objectives of this ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas;

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
7. To ensure that potential buyers are notified that property is in a floodable area; and,
8. To establish eligibility for participation in the National Flood Insurance Program.

#### **5.081 Definitions**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**"Accessory Structure"** shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

**"Act"** means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

**"Appeal"** means a request for a review of the Building Inspector's interpretation of any provision of this ordinance or a request for a variance.

**"Area of Shallow Flooding"** means a designated AO or AH Zone, on a community's Flood Insurance Rate Map (FIRM), with one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of Special Flood-Related Erosion Hazard"** is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E, on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E, may be further refined.

**"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A, usually is refined into Zones A, AO, AH, A1-30, AE or A99.

**"Base Flood"** means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

**"Basement"** means that portion of a building having its floor subgrade (below ground level) on all sides.

**"Breakaway Wall"** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**"Building"** for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**"Elevated Building"** means a nonbasement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**"Emergency Flood Insurance Program"** or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336, of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

**"Erosion"** means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

**"Exception"** means a waiver from the provisions of this ordinance directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.

**"Existing Construction"** any structure for which the "start of construction" commenced before the effective date of this ordinance.

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

**"Existing Structures"** see **"Existing Construction"**.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood"** or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Elevation Determination"** means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**"Flood Insurance Study"** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

**"Floodplain"** or **"Flood Prone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**"Flood Protection System"** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Flood-Related Erosion"** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**"Flood-Related Erosion Area"** or **"Flood-Related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

**"Flood-Related Erosion Area Management"** means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**"Floor"** means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use which cannot perform its intended purpose, unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**"Historic Structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**"Levee System"** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

**"Mean-Sea-Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**"National Geodetic Vertical Datum (NGVD)"**, as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

**"New Construction"** any structure for which the "start of construction" commenced on or after the effective date of this ordinance. The term also includes any subsequent improvements to such structure.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

**"100-Year Flood"** see **"Base Flood"**.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**"Recreational Vehicle"** means a vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**"Special Hazard Area"** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

**"Start of Construction"** includes substantial improvement, and means the date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the State Government, or other office designated by the Governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

**"Structure"**, for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety

code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;  
(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**"Variance"** is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **5.082 General Provisions**

##### A. Application

This article shall apply to all areas within the planning region of Pleasant View, Tennessee.

##### B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified on the **Pleasant View, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470026, 0001-0195; Effective Date: May 9, 1981**, and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this ordinance. These areas shall be incorporated into the Pleasant View Municipal Zoning Map.

##### C. Requirement for Development Permit

A development permit shall be required in conformity with this article prior to the commencement of any development activity.

##### D. Compliance

No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

##### E. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Pleasant View, Tennessee, or by any officer or employee, thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

H. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Pleasant View, Tennessee, from taking such other lawful actions to prevent or remedy any violation.

**5.083 Administration**

A. Designation of Building Inspector

The Building Inspector is hereby appointed to administer and implement the provisions of this ordinance.

B. Permit Procedures

Application for a development permit shall be made to the Building Inspector on forms furnished by him prior to any development activity. The development permit may include, but is not be limited to the following: plans in duplicate drawn to scale, showing the nature, location,

dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:

1. Application Stage

- a. Elevation in relation to mean-sea-level of the proposed lowest floor (including basement) of all buildings.\*
- b. Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed, where base flood elevation data is available.\*
- c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in Subsection 5.083, B, 2, where base flood elevation data is available.\*
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**\*(See 2, Below.)**

2. Construction Stage

Within unnumbered A Zones, where flood elevation data are not available, the Building Inspector shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the Building Inspector shall require that upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean-sea-level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the (Building Inspector)

Duties of the Building Inspector shall include, but not be limited to:

1. Review of all development permits to assure that the requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404, of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Subsection 5.083, B, 2.
5. Record the actual elevation (in relation to mean-sea-level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with Subsection 5.083, B, 2.
6. When floodproofing is utilized, the Building Inspector shall obtain certification from a registered professional engineer or architect, in accordance with Subsection 5.083, B, 2.
7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 5.085.
8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Community FFBM or FIRM, meet the requirements of this article.

9. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Inspector and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

#### **5.084 Provisions for Flood Hazard Reduction**

##### **A. General Standards**

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this article; and,

10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this ordinance, shall meet the requirements of "new construction" as contained in this article and provided said nonconformity is not extended.

B. Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A Zones, A1-30 Zones, AE Zones, AO Zones, AH Zones, and A99 Zones, and has provided a regulatory floodway, as set forth in Subsection 5.082, B, the following provisions are required:

1. **Residential Construction:** New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Subsection 5.084, B, 3.
2. **Nonresidential Construction:** New construction or substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-Zones, may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Inspector, as set forth in Subsection 5.083, B, 2.
3. **Elevated Building:** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
  - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - ii. The bottom of all openings shall be no higher than one (1) foot above grade; and
  - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Subsection 5.084, B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
  - i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;

- ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
  - iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Subsection 5.084, B, 4, b, i, and ii, above.
- c. All recreational vehicles placed on sites must either:
- i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
  - ii. Be fully licensed and ready for highway use; or
  - iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Subsection 5.084, B, 4, a, or b, i, and ii, above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Subsection 5.083, C, 8, shall be utilized for all requirements relative to the base flood elevation or floodways.

C. Standards for Areas of Special Flood Hazard Zones A1-30 and AE, with Established Base Flood Elevation, but Without Floodways Designated

Located within the areas of special flood hazard established in Article V, Subsection 5.082, B, where streams exist with base flood data provided, but where no floodways have been provided, (Zones A1-30 and AE) the following provisions apply:

- 1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface

elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 5.084, B.

D. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the areas of special flood hazard established in Subsection 5.082, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
2. All new construction and substantial improvements of nonresidential buildings shall:
  - a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,
  - b. together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

E. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Subsection 5.082, B, are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

1. All provisions of Subsection 5.083 and Subsection 5.084, A, and G, shall apply.

F. Standards for Areas of Special Flood Hazard with Established Base Flood Elevation and with Floodways Designated

Located within the areas of special flood hazard established in Subsection 5.082, B, where streams exist with base flood data and floodways provided, the following provisions apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. If Subsection 5.084, F, 1, above, is satisfied, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 5.084, B.

G. Standards for Subdivision Proposals

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to ensure that:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

## **5.085 Variance Procedures**

The provisions of this section shall apply exclusively to areas of special flood hazard within the Cheatham County Planning Region.

### **A. Board of Zoning Appeals**

1. The Pleasant View Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this article.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
  - a. The danger that materials may be swept onto other property to the injury of others;
  - b. The danger to life and property due to flooding or erosion;
  - c. The susceptibility of the proposed facility and its contents to flood damage;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
  - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Upon consideration of the factors listed above, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency, upon request.