

**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 Mixed Use Overlay District
- 5.080 Floodplain Zoning Ordinance, Statutory Authorization, Findings of Fact, Purpose and Objectives District

<b>5.010 CLASSIFICATION OF DISTRICTS</b>
--

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-2 Low Density Residential District**
- R-3 Medium Density Residential District (ordinance 16-16 10-11-16)**
- R-4 Medium-high Density Residential District (ordinance 16-16 10-11-16)**
- R-5 High Density Residential District (Added by ordinance 16-16 October**

11,2016)

**V-1 Village Districts**

B. Commercial Districts

- C-1 General Commercial District (amended by Ordinance 16-19 12-13-16)**
- C-2 Neighborhood Commercial District**
- C-3 Interstate Commercial District (Added by Ordinance 05-20, 11-8-05)**
- C-4 Limited Commercial districts (added by ordinance 18-10 6-2018)**

C. Industrial Districts (Amended by Ordinance 10-03, May 11, 2003)

- I-1 Planned Industrial District**
- I-2 Special Impact Industrial District**

D. Mixed Use District (Amended by Adding New D, Changing Old D, to E, by Ordinance 06-03, 3-14-06)

E. Floodplain Zoning Ordinance, Statutory Authorization, Findings of Fact, Purpose and Objectives District (Amended by Ordinance 10-13, 9-14-10 and 11-05, 8/15/11)

## **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 and Ordinance No. 12-07, October 15, 2012)*

**The following regulations shall apply in the agricultural and residential zoning districts established in Article V, Section 5.010, 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:

Agricultural Activities

Agricultural Services  
Crop and Animal Raising  
Plant and Forest Nurseries

Residential Activities

Dwelling, Single Detached  
Individual Mobile Home

Community Facilities Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages, sheds 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 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.

Community Facility Activities

Administrative Services  
Community Assembly  
Community Education

Cultural and Recreational Services  
Intermediate Impact Facilities  
Personal and Group Care Facilities  
Religious Facilities

Commercial Activities

Animal Care and Veterinarian Services  
Medical Services

Agricultural Activities

Commercial Feed Lots and Stockyards

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

With Public Water	3 acres
Without Public Water	5 acres

Lot Width at Building Setback

With Public Water	150 ft.
Without Public Water	250 ft.

2. Minimum Yard Requirements

Front Yard Setback

With Public Water	75 ft.
Without Public Water	100 ft.

Side Yard Setback

With Public Water	30 ft.
Without Public Water	40 ft.

Rear Yard Setback

With Public Water	50 ft.
Without Public Water	75 ft.

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 7.030.

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 side lot line, from the 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.

Further, it is the intent of this Ordinance that these districts be located so that the provision of appropriate public services 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 characteristics 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 Town 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.

B. Uses Permitted

Agricultural Activities

Agricultural Services  
Crop and Animal Raising  
Plant and Forest Nurseries

Residential Activities

Dwelling, Single-Detached

Community Facilities Activities

Essential Services

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 (Amended by Ordinance 09-06, 9/8/2009)

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 8.070; provided further that the site development plans shall be reviewed and approved by the Planning Commission in accordance with Article VIII, Section 8.030.

Community Facility Activities

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Intermediate Impact Facilities  
Personal and Group Care Facilities  
Religious Facilities

Commercial Activities

Animal Care and Veterinarian Services  
Medical Services

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

Without Water	Five (5) Acres
Lot Width at Building Setback	250 ft.
With Public Water	40,000 sq. ft.
Lot Width at Building Setback	150 ft.

2. Minimum Yard Requirements

Without Public Water	
Front Setback	100 ft.
Side	40 ft.
Rear	75 ft.
With Public Water	
Front Setback	50 ft.
Side	20 ft.
Rear	25 ft.

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 by Article VII, Section 7.030.

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 side lot line, from the 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 low 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:

Residential Activities

Dwelling, Single Detached

Community Facilities Activities

Essential Services

C. Accessory Uses and Structures

1. Private garages, sheds and parking areas.
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 (Amended by Ordinance 09-06, 9/8/09)

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.

Community Facility Activities

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Intermediate Impact Facilities  
Personal and Group Care Facilities  
Religious Facilities

Commercial Activities

Medical Services

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

Without Public Water Lot Width at Building Setback	Five (5) Acres 250 ft.
With Public Water Lot Width at Building Setback	30,000-sq. ft. 150 ft.
With Public Water and Sewer Lot Width at Building Setback	22,000 sq. ft. 125 ft.

2. Minimum Yard Requirements

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

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, except as provided by Article VII, Section 7.030.

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 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

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

**5.044**      **R-3, Medium Density Residential District** (Deleted and replaced ordinance 16-16 Oct. 11, 2016, amended Ord 21-08 April 8<sup>th</sup> 2021)

- 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. 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:

Residential Activities

Dwelling, Single Detached  
Dwelling, Duplex

Community Facility Activities

Essential Services

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.

Community Facility Activities

Administrative  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Intermediate Impact Facilities  
Personal and Group Care Facilities  
Religious Facilities

Commercial Activities

Medical Services

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

Without Public Water Lot Width at Building Setback	Five (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	14,000 sq. ft. 75 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	18,000 sq. ft. 100 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	30 ft.
Side	10ft.
Rear	20 ft.

Duplex Dwellings

With Public Water and Sewer Front Setback	30 ft.
Side	10 ft.
Rear	20 ft.

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, except as provided by Article VII, Section 7.030.

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 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

For one and two-family dwellings, the front yard, excluding necessary paved driveways shall be landscaped and not used for automobile storage.

8. Streets, curbing and utilities

Developments that use Public water and sewer lot size provisions shall have curbed, guttered streets and underground utilities.

**5.045 R-4, Medium-high Density Residential District**(Deleted and replaced ordinance 16-16 Oct.11, 2016, amended Ord.21-08 april 8<sup>th</sup> 2021)

- A. These districts are designed to provide suitable areas for medium-high density residential development where sufficient water, sewer, electric, roadways and facilities are available. Generally, these districts will be characterized by single-family detached dwellings. 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-4, Medium-high Density Residential District, the following uses are permitted:

Residential Activities

Dwelling, Single Detached  
Dwelling, Duplex

Community Facility Activities

Essential Services

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-4, Medium-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.

Community Facility Activities

Administrative  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Intermediate Impact Facilities  
Personal and Group Care Facilities

Religious Facilities

Commercial Activities

Medical Services

E. Uses Prohibited

In the R-4, Medium-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, Medium-high Density Residential District, shall comply with the following requirements:

1. Minimum Lot Size

Single 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  
Lot Width at Building Line 10,000 sq. ft.  
60 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 16,000 sq. ft.  
100 ft.

2. Minimum Yard Requirements

Single Family

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	30 ft.
Side	10ft.
Rear	20 ft.

### Duplex Dwellings

Without Public Water  
Not Permitted

With Public Water	Not Permitted
Front Setback	
Side	
Rear	

With Public Water and Sewer

Front Setback	30 ft.
Side	10 ft.
Rear	20 ft.

### 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, except as provided by Article VII, Section 7.030.

### 5. Parking Space Requirements

As regulated in Article IV, Section 4.010 and Design Standards Appendix.

### 6. Accessory Uses

- 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

For one and two-family dwellings, the front yard, excluding necessary paved driveways shall be landscaped and not used for automobile storage.

8. Streets, curbing and utilities

Developments that use Public Water and Sewer lot size provisions shall have curbed, guttered streets and underground utilities.

**5.046 R-5, High Density Residential District**(amended by ordinance 16-16 Oct.11, 2016)

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-5, High Density Residential District, the following uses and their accessory uses are permitted by right:

Residential Activities

Dwelling, Mobile Home  
Dwelling, Duplex  
Dwelling, Townhouse  
Dwelling, Multi-Family  
Mobile Home Park

Community Facility Activities

Essential Services

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 4.070.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the R-5, 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.

Community Facility Activities

Administrative  
 Community Assembly  
 Community Education  
 Cultural and Recreational Services  
 Intermediate Impact Facilities  
 Personal and Group Care Facilities  
 Religious Facilities

Commercial Activities

Medical Services

E. Uses Prohibited

In the R-5, 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-5, 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	Not Permitted

With Public Water  
Lot Width at Building Line Not Permitted

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 Five (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  
Side  
Rear Not Permitted

With Public Water  
Front Setback  
Side  
Rear Not Permitted

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  
Side  
Rear

Not Permitted

With Public Water and Sewer  
Front Setback  
Side  
Rear

35 ft.  
15 ft.  
15 ft.

Multi-Family Dwellings and Mobile Home Parks

With Public Water and Sewer  
Front Setback  
Side  
Rear

60 ft.  
40 ft.  
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 VII, Section 7.030.

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 throughout 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. Lot 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 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 commissioner 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.

<b>5.050 COMMERCIAL DISTRICT REGULATIONS (Amended by Ord. No. 14-09, August 12, 2014)</b>
---

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 (amended by ord. 18-07 October 16, 2018)

Shall include but not limited to 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  
Instruments for Medical, Dental, Engineering,  
Scientific and Other Professional Purposes  
Optical Instruments and Lens  
Printed Matter  
Signs

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, Columbarium's, 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)

- 3. Commercial Activities (Amended by Ordinance No. 10-04, May 11, 2010)

Commercial limited Alcohol Manufacturing (added by ordinance 16-19 12-13-16)  
 Adult Entertainment

- 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 (Amended by Ordinance 13-04, July 13, 2013)

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

- 1. Minimum Lot Size

With Public Water	20,000 square feet
Without Public Water	5 acres

Lot Width at Building Setback	100 feet
-------------------------------	----------

- 2. Minimum Yard Requirements

Front Yard Setback	30 feet
Side	10 feet

except where the side yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be thirty (30) feet.

Rear	10 feet
------	---------

except where the rear yard abuts or is adjacent to a residential district in which

case the minimum setback  
for that yard shall be  
thirty (30) feet.

3. Zero Lot Line Provisions

The Planning Commission may approve alternative lot line setbacks for sites providing that the site plan meets the following requirements:

- a. All lots must have the minimum required lot width at the building setback for the district.
- b. Any lot proposal for zero lot line that is within a platted subdivision must submit for approval a revised plat to show the new setbacks and easements.
- c. If a proposal includes existing buildings that are to be connected by a common wall, the building must meet all building and fire codes for the type of structure proposed.
- d. In the event that the buildings are not connected, there must be a minimum of five (5) feet between the Fire sprinklered protected buildings and twenty (20) feet between non fire sprinklered buildings. Buildings must meet building and fire codes for the type of structure proposed. (amended by ord. 18-07 October 16, 2018)
- e. All lots being considered for zero lot line development are required to have a five (5) foot construction and maintenance easement on each side of the property lot line.
- f. All other provisions of the zoning ordinance shall be met.
- g. No more than the eight (8) individual lots or structures shall be connected on a single unbroken frontage. Except covered mall type occupancies. (amended by ordinance 18-07 October 16, 2018)

4. Maximum Lot Coverage (Amended by ord. 19-03 March 18,2019)

Provided landscaping, sewage disposal and parking requirements are met there are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.

5. Height Requirements(Amended by ord. 19-03 March 18,2019)

No principal structure shall exceed sixty (60) feet or five (5) stories in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 7.040.

6. Parking Space Requirements

As regulated in Article IV, Section 4.010.

7. Accessory Structures

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

8. Landscaping

See Appendix A Design Standards . (Amended by Ordinance 14-09, 8/25/14)

**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, 7/12/05)
3. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores and other similar uses, excluding Liquor stores. (Amended by Ordinance 11-10, 1/10/12)
4. Any other use providing for sale of consumer goods which in the opinion of the Planning Commission are in keeping with the character and intent of the district. (Amended by Ordinance 14-09, 8/25/14)

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(Amended by Ordinance 13-04, July 13, 2013)

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

1. Minimum Lot Size

with Public Water	20,000 square feet
without Public Water	5 acres
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Yard Setback	30 feet
Side	10 feet
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	10 feet
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. Zero Lot Line Provisions

The Planning Commission may approve alternative lot line setbacks for sites providing that the site plan meets the following requirements:

- a. All lots must have the minimum required lot width at the building setback for the district.
- b. Any lot proposal for zero lot line that is within a platted subdivision must submit for approval a revised plat to show the new setbacks and easements.

- c. If a proposal includes existing buildings that are to be connected by a common wall, the building must meet all building and fire codes for the type of structure proposed.
- d. In the event that the buildings are not connected, there must be a minimum of five (5) feet between the buildings and both buildings must meet building and fire codes for the type of structure proposed.
- e. All lots being considered for zero lot line development are required to have a five (5) foot construction and maintenance easement on each side of the property lot line.
- f. All other provisions of the zoning ordinance shall be met.
- g. No more than the eight (8) individual lots or structures shall be connected on a single unbroken frontage.

4. Maximum Lot Coverage

Provided landscaping and parking requirements are met there are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-2 District.

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.

6. Parking Space Requirements

As regulated in Article IV, Section 4.010.

7. Accessory Structures

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

8. Landscaping

See Appendix A. Design Standards

**5.053 C-3, Interstate Commercial District (Added by Ordinance 05-20, 11-8-05, amended ordinance 16-08 June 14, 2016)**

A. District Description

The intent of the Interstate Commercial 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 pattern possible. This zone is designed for typical interstate exchange uses including, but not limited to: hotels, motels, fast food chains, gasoline stations and convenience stores.

(amended by ord. 16-09 July 12 ,2016. amended by ord. 18-08 October 16, 2018 )

B. Uses Permitted (amended by ordinance 18-08 October 16, 2018)

In the C-3, Interstate commercial 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 Service
11. General Retail Trade, excluding Liquor Stores **(Amended by Ordinance 11-10, 1/10/12)**
12. Motels
13. Hotels
14. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights of way. **(Amended by Ordinance 14-09, 8/25/14)**
15. Any other use providing for sale of goods and services to the motoring public which in the opinion of the Planning Commission are in keeping with the character and intent of the district. **(Added by Ordinance 14-09, 8/25/14)**
16. Vehicle and boat sales, service, rental and mechanical repair. **(Added by ord. 18-08 October 16, 2018)**

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 (Amended by ord. 18-08 October 16,2018)

In the C-3 Interstate 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. 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. Truck stops serving diesel at more than two pumps, or having overnight parking facilities.
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 (Amended by Ordinance 13-04, July 13, 2013)

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

1. Minimum Lot Size (amended by ord 18-08 October 16,2018)

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	125 feet

2. Minimum Yard Requirements

Front Yard Setback	30 feet
Not Adjacent to Public R.O.W.	NA

Side

Adjacent to R.O.W.	10 feet
Interior	0 feet
Adjacent to residential	40 feet.

Rear

Adjacent to R.O.W.	10 feet
Interior	0 feet
Adjacent to residential	40 feet.

3. Zero Lot Line Provisions

The Planning Commission may approve alternative lot line setbacks for sites providing that the site plan meets the following requirements:

- a. All lots must have the minimum required lot width at the building setback for the district.
- b. Any lot proposal for zero lot line that is within a platted subdivision must revised plat to show the new setbacks and easements.
- c. If a proposal includes existing buildings that are to be connected by a common wall, the building must meet all building and fire codes for the type of structure proposed.
- d. In the event that the buildings are not connected, there must be a minimum of five (5) feet between the buildings and both buildings must meet building and fire codes for the type of structure proposed.
- e. All lots being considered for zero lot line development are required to have a five (5) foot construction and maintenance easement on each side of the property lot line.
- f. All other provisions of the zoning ordinance shall be met.
- g. No more than the eight (8) individual lots or structures shall be connected on a single unbroken frontage.

4. Maximum Lot Coverage(Amended by ord. 19-04 March 18,2019)

Provided landscaping, sewage disposal and parking requirements are met there are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-3 District.

5. Step sewer tank location (amended by ord. 18-08 October 16, 2018)

Plats and site plan shall include a designated area of location of the Step sewer tank as approved by the Pleasant View Utility District in written form. Tank shall be located to have access for maintenance. In no case shall the tank be located closer than seven 7 feet of exterior wall of a structure.

6. Height Requirements(Amended by ord. 19-03 March 18,2019)

No principal structure shall exceed sixty (60) feet or five (5) 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.

7. Parking Space Requirements

As regulated in Article IV, Section 4.010.

8. Accessory Structures

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

9. Landscaping (amended by ord.18-08 october 16,2018)

As regulated in Appendix A Design Standards.

10. Open Space(amended by ord.18-08 october 16,2018)

All lots, parcels or leased property shall have a minimum of ten (10) 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 ten (10) percent required open space. If the drainage area is designed with fountains, manmade streams or waterfalls, or other amenities, then the entire drainage area may count towards the minimum fifteen required open space.

G. On Site Drainage and Erosion Control Measures(amended by ord.18-08 october 16,2018)

All storm-water drainage and soil erosion must be controlled on site at pre-existing levels.

H. General Provisions(amended by ord.18-08 october 16,2018)

1. Streets

- a. All lots, parcels, out parcels or leased lots shall have ingress/egress from public or private streets/drives.
- b. 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).
- c. All streets shall be constructed to the 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.
- d. Traffic Impact Studies: Depending on the size and type of development, the Planning Commission may require a Traffic Impact Study at the developer’s 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.
- e. Cul-de-sacs (public or private): the minimum dimensions are:
 

Total Length (measured centerline to center of cul-de-sac)	1,000 ft.
R.O.W. Radius	50 ft.
Diameter of Paved Area	80 ft.
Transition Curve Radius	75 ft.
- f. Any proposed public street or private drive shall be perpendicular (90 degree angle) to:
- g. 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 rights-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(amended by ord.18-08 october 16,2018)

As regulated in Article IV, Section 4.080,

**5.053 C-4, Limited Commercial District**

A. District Description

The intent of the Limited Commercial district is to provide maximum flexibility in design and to insure a minimum standard of site development for commercial activities involving limited storage, higher impact commercial uses 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 Limited Commercial 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 pattern possible. This zone is designed for uses that are too intensive to be allowed in the general commercial district but are lower in impact than Industrial zoned uses.

**Zone Location:** This zoning district is intended to be designated beyond a distance of two thousand (2,000) feet from the intersection of US Hwy 41A and State Hwy 49.

B. Uses Permitted

In the C-4, Limited Commercial District, the following uses are permitted.

- 1. Administrative services
- 2. Animal Care and Veterinarian Services
- 3. Automobile service, new parts and repair
- 4. Vehicular, craft and related equipment sales
- 5. Communications Centers (support call centers)

6. Consumer repair services
7. Construction Sales and Service
8. Building materials and farm equipment sales
9. Storage, warehousing less than 30,000sq/ft.
10. Self-storage centers
11. Wholesale sales less than 30,000sq/ft.
12. Contractor sales and services
13. Limited Alcoholic beverage production less than 10,000sq/ft.
14. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights of way
15. Limited manufacturing facilities

### Limited Manufacturing Activities

Shall include 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)  
 Cabinet, woodworking, furniture building  
 Glass and glazing processing for resale  
 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  
 Packaging  
 Precision Machining of Dies, Jigs, and Fixtures  
 Printing  
 Publishing  
 Record Pressing  
 Upholstering  
 Welding

- c. Any other use providing for limited or light manufacturing of goods which in the opinion of the Planning Commission are in keeping with the character and intent of the district.

C. Accessory Uses and Structures

1. 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

E. Uses Prohibited

In the C-4, Limited 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-4 Limited Commercial District, shall comply with the following requirements.

1. Minimum Lot Size

Without sewer	10 acres
Lot width at building setback	200 feet
With sewer and water	
Minimum Lot Area	40,000 square feet
Lot Width at Building Setback	125 feet
2. Minimum Yard Requirements

Front Yard Setback	30 feet
Not Adjacent to Public R.O.W.	NA
Side	
Adjacent to R.O.W.	30 feet
Interior	10 feet
Adjacent to residential district	50 feet.
Rear	
Adjacent to R.O.W.	30 feet

Interior	10 feet
Adjacent to residential district	50 feet.

3. Zero Lot Line Provisions

The Planning Commission may approve alternative lot line setbacks for sites providing that the site plan meets the following requirements:

- a. All lots must have the minimum required lot width at the building setback for the district.
- b. Any lot proposal for zero lot line that is within a platted subdivision must revised plat to show the new setbacks and easements.
- c. If a proposal includes existing buildings that are to be connected by a common wall, the building must meet all building and fire codes for the type of structure proposed.
- d. All lots being considered for zero lot line development are required to have a five (5) foot construction and maintenance easement on each side of the property lot line.
- f. All other provisions of the zoning ordinance shall be met.

4. Maximum Lot Coverage

- a. 70 percent

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 stricter then the building code restrictions shall prevail.

6. Parking Space Requirements

As regulated in Article IV, Section 4.010.

7. Accessory Structures

Accessory structures shall be located at least ten (10) feet from any side lot line, or rear lot line, and from any building on the same lot.

8. Landscaping

Refer to Appendix A Design Standards for landscaping requirements.

G. General Provisions

1.

Traffic Impact Studies: Uses that are over thirty thousand (30,000) sq. ft. shall be required to present a Traffic Impact Study at the developer's 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.

<b>5.060 INDUSTRIAL DISTRICT REGULATIONS</b> (Amended by Ordinance 10-03, May 5, 2010)
---

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

A. District Description and Purpose

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. Site Development Standards

1. **FIRE AND EXPLOSIVE HAZARDS.** All activities shall be carried on only in structures which conform to the standards of the National Board of Fire Underwriters concerning the plant operation and storage of explosive raw materials, fuels, liquids and finished products.
2. **RADIOACTIVITY.** All activities located within this zone shall comply with Title 10, Chapter 1, Part 20, Code of Federal Regulations, "*Standards for Protection Against Radiation*".

3. **SMOKE, FUMES, GASES, DUST, ODORS.** There shall be no excessive emission of any smoke, fumes, gas, dust or odors. In any case, the limit of such emission of air pollutants shall be subject to the approval or acceptance of the State Air and Water Quality Control Department.
4. **VIBRATION.** There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
5. **NOISE.** There shall be no operational industrial noise measured from any point on the property line of the lot on which the industrial operation is located which shall exceed the values given in the following table in any octave band of frequency. The sound pressure level shall be measured with a Sound Level Analyzer that conforms to specifications published by the "*American Standard Sound Level Meters for Measurements of Noise and Other Sounds*" Z24.3-1944, American Standards Association, Inc., New York, New York, and "*American Standards Specifications for an Octave Band Filter Set for the Analysis of Noise and Other Sounds*" Z24-10-1953, American Standards Association, Inc., New York, New York.

FREQUENCY BAND IN CYCLES PER SECOND	SOUND PRESSURE LEVEL DECIBELS
0-75	65
75-100	50
150-300	44
300-600	38
600-1200	35
1200-2400	32
2400-4800	29
above 4800	26

6. **LIQUID OR SOLID WASTES.** The discharge of untreated industrial wastes into a stream or open or closed drain is prohibited. All methods of sewage and industrial waste treatment and disposal shall be approved by Park Management, the local utility and Cheatham County Environment and Conservation and the Tennessee Department of Environment and Conservation. More specifically, all sanitary and

process liquid waste must be discharged into the sanitary sewer system.

C. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the I-1, Planned Industrial District.

1. Preliminary Review

All applications for rezoning to the I-1, Planned Industrial District, shall be made by the landowner or his/her authorized agent to the Building Commissioner in accordance with the provisions of this section. All applications for rezonings shall be accompanied by:

a. Preliminary Development Plan to Include the Following Information:

- (1) Letter from the owner detailing the proposed zoning change.
- (2) Location map of the proposed site, including size of the property.
- (3) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1"=200').
- (4) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
- (5) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Pleasant View Major Road Plan.
- (6) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
- (7) A tabulation of the land areas to be devoted to all uses and activities.
- (8) Ability of the site to be able to meet the Site Location Criteria in Subsection B., above, along with the General Requirements, in Subsection H.

b. Operational Data to Include the Following Information

- (1) Type of operation and detailed description of the operation.

- (2) Average number of vehicles entering and leaving site on a daily basis and the routes taken.
  - (3) Types of Federal and State permits required for operation of the proposed facility.
  - (4) Safety measures to be used on site as well as the system for dealing with complaints.
- c. Environmental Assessments to Include the Following Information
- (1) Geological data on the site as prepared by a Tennessee licensed geologist.
  - (2) Effects of the proposed use on ground water quality in the area.
  - (3) Effects of the proposed use on air quality in the area.
  - (4) Potential danger to any surface water or water supply.

2. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the Planning Commission shall recommend to the City Board whether the proposed use should be rezoned to the I-1, Planned Industrial District. If the Board of Mayor and Aldermen approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the Planning Commission for their approval.

3. Final Development Plan Review

After approval of the rezoning by the Board of Mayor and Aldermen, the landowner may make application to the Planning Commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

a. Final Development Plan shall include the following:

- (1) Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.
- (2) Site plan to be at a scale of one inch equals two hundred feet (1"=200') with the following information:
  - a) Location and orientation of the structure;
  - b) Grading plan;
  - c) Location of driveways, walkways and parking areas;

- d) Location of loading and service areas;
  - e) Location of all utilities;
  - f) Location of exterior mechanical equipment;
  - g) Location and elevations of signs;
  - h) Location of outside storage areas.
- (3) Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the Planning Commission).
  - (4) Stages of development of the site and the expected time of completion.
  - (5) Copies of all required Federal and State permits the applicant has obtained.
  - (6) Construction plans revealing building elevations and exterior materials with specifications.

b. Site and Geological Data

- (1) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.
- (2) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.
- (3) Ground water movements and aquifer information.
- (4) Existing vegetation cover on the site.
- (5) Annual climate of the area, including annual precipitation and wind direction.

D. Uses Permitted

In the I-1, Special Impact Industrial District, the following uses are permitted. The property herein conveyed shall be used only for industrial, manufacturing, warehousing distribution or office purposes to include light and heavy manufacturing and processing plants, research and development facilities, lumber and wood products, food and food products, furniture and fixtures, chemicals, plastics, primary and fabricated metals, metal products, machinery, stone, clay and glass products, electronics and other miscellaneous manufacturing plants. Public and semipublic uses, including municipal use, state or federal use, public utility structure or related use are also permitted.

E. Accessory Uses and Structures

- 1. Signs in compliance with the regulations set forth in 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 Section 4.010.

F. Uses Permitted as Special Exceptions

There are no uses permitted as special exceptions in the I-1, Planned Industrial District.

G. Uses Prohibited

No land or building shall be used or occupied on said property which produces smoke, dust, noise, odor or vibration not in compliance with minimum performance standards. In addition, the following uses are specifically prohibited:

1. Residential Construction
2. Commercial Incineration
3. Junk Yards, body or fender shops, wrecking yards including battery and commercial solvent recycling or reclamation facilities
4. Rubbish, Garbage or Trash Dumps
5. Treatment of Hazardous, Toxic or Radioactive Wastes
6. Mining, drilling for or removing oil, gas or other hydrocarbon substances
7. Cemeteries or mortuaries

H. General Requirements Applicable to All Uses

1. **OUTSIDE STORAGE OF RAW MATERIALS AND EQUIPMENT**. All raw materials and equipment shall be stored in completely enclosed buildings or shall otherwise be screened by such walls, fences and landscaping to attractively conceal areas visible from outside of the lot boundaries.
2. **SIGNS**. Only one (1) sign per industry shall be permitted, and that sign shall be a permanent ground mounted structure in the front of the industry's facility. The ground sign shall not be more than one hundred (100) square feet, and the maximum height of the sign will be no more than ten feet (10'). The ground sign may be illuminated with industrial type spot lighting, but it may not be lighted by means of flashing or intermittent illumination.
3. **LANDSCAPING**. All areas between the building walls and the property lines, except parking areas and storage areas shall be landscaped, in an attractive manner with lawn, trees and shrubs.

All parking areas shall be buffered from any street or neighboring structures with plantings and or landscaped berms. Where paving occurs adjacent to any property line, a minimum of ten (10) feet of landscaping shall be provided between said property line and the curb

of the pavement, unless written approval to the contrary is granted. Landscaped parking and storage areas shall be properly maintained by the owner in a slightly and well-kept condition.

All landscaping required herein or otherwise to be provided on any building shall be completed within ninety (90) days after the substantial completion of construction of any buildings to be constructed on any site; provided, unless weather conditions do not at such time permit, then such landscaping shall be completed within the next planting season.

All unused and non-landscaped area that is planned for future development shall be seeded, if necessary, and kept free of weeds, other unsightly plant growth, stored material, rubbish and debris.

All dumpster areas shall be appropriately screened and landscaped appropriately, by the use of generally accepted landscape design techniques.

All unused and non-landscaped area that is planned for future development shall be seeded, if necessary, and kept free of weeds, other unsightly plant growth, stored material, rubbish and debris.

All dumpster areas shall be appropriately screened and landscaped appropriately, by the use of generally accepted landscape design techniques.

4. **OFF STREET PARKING.** It shall be the responsibility of the property owner to provide parking for employees, customers and visitors and public streets and rights-of-ways shall not be used for parking.

No more than seventy-five (75%) percent of the industry's front yard may be used for parking.

5. **PAVING.** All driveways and parking areas shall be constructed with a hard surfaced pavement curb and gutter and shall include adequate drainage facilities to dispose of all storm water in accordance with all local regulations.
6. **LIGHTING.** Area lighting shall be designed for consideration of adjacent streets and residential areas.
7. **STORM WATER.** Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.
8. **TEMPORARY STRUCTURES.** Temporary structures are prohibited except when used to perform a function which will be performed by a permanent structure which is in the planning or construction stage. The use of such a temporary structure is restricted to one (1) year. Excluded are construction trailer offices or related office structures to a particular project, except construction job site materials trailers.

Mobile storage units will not be permitted.

I. Dimensional Requirements

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

1. Minimum Lot Size

Minimum Lot Area	5 acres
Lot Width at Building Setback	150 ft.

2. Minimum Yard Requirements

Front Yard Setback	50 ft.
--------------------	--------

Side Yard Setback	30 ft.
-------------------	--------

except where the side yard abuts or is adjacent to a residential zone property, in which case the minimum setback for that side yard shall be one hundred (100) feet.

Rear Yard Setback	30 ft.
-------------------	--------

except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred (100) 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 fifty (50) percent of the total area. Buildings, accessory facilities, parking, materials, handling, and similar facilities shall not cover more than eighty percent (80%) of the property parcel.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Section 7.030.

5. Parking Space Requirements

As regulated in, Section 4.010.

6. Accessory Structures and Uses

a. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.

- b. Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

**5.062 I-2, Special Impact Industrial District**

A. District Description and Purpose

This district is designed to provide suitable areas for those uses which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the location, design configuration and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the I-2, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of Pleasant View will be affected.

B. Site Location Criteria

1. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.
2. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
3. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
4. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
5. The proposed site will be adequately served by public utilities and services to ensure a safe operation.
6. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.
7. Access to the site will be from a road classified as an arterial or collector on the Major Road Plan for Pleasant View.

8. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
9. The proposed site will not be located within a one hundred (100) year floodplain or wetland.

C. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the I-2, Special Impact Industrial District.

1. Preliminary Review

All applications for rezoning to the I-2, Special Impact Industrial District, shall be made by the landowner or his/her authorized agent to the Building Commissioner in accordance with the provisions of this section. All applications for rezoning shall be accompanied by:

a. Preliminary Development Plan to Include the Following Information:

- (1) Letter from the owner detailing the proposed zoning change.
- (2) Location map of the proposed site, including size of the property.
- (3) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1"=200').
- (4) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
- (5) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Pleasant View Major Road Plan.
- (6) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
- (7) A tabulation of the land areas to be devoted to all uses and activities.
- (8) Ability of the site to be able to meet the Site Location Criteria in Subsection B., above, along with the General Requirements, in Subsection H., and the Requirements for Specific Uses, in Subsection I., below, for the proposed use of the property.

b. Operational Data to Include the Following Information

- (1) Type of operation and detailed description of the operation.
- (2) Average number of vehicles entering and leaving site on a daily basis and the routes taken.
- (3) Types of Federal and State permits required for operation of the proposed facility.
- (4) Safety measures to be used on site as well as the system for dealing with complaints.
- (5) Ultimate use and ownership of the site after completion of operation. (*Landfills Only*).

c. Environmental Assessments to Include the Following Information

- (1) Geological data on the site as prepared by a Tennessee licensed geologist.
- (2) Effects of the proposed use on ground water quality in the area.
- (3) Effects of the proposed use on air quality in the area.
- (4) Potential danger to any surface water or water supply.

2. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the Planning Commission shall recommend to the Board of Mayor and Aldermen whether the proposed use should be rezoned to the I-2, Special Impact Industrial District. If the Board of Mayor and Aldermen approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the Planning Commission for their approval.

3. Final Development Plan Review

After approval of the rezoning by the Board of Mayor and Aldermen, the landowner may make application to the Planning Commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

a. Final Development Plan shall include the following:

- (1) Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features

and facilities to be installed or used in connection with the proposed operation.

- (2) Site plan to be at a scale of one inch equals two hundred feet (1"=200').
- (3) Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the Planning Commission).
- (4) Stages of development of the site and the expected time of completion.
- (5) Copies of all required Federal and State permits the applicant has obtained.
- (6) Final site plan shall be in compliance with Subsection H, I, and J, below for the proposed use of the property.

b. Site and Geological Data

- (1) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.
- (2) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.
- (3) Ground water movements and aquifer information.
- (4) Existing vegetation cover on the site.
- (5) Annual climate of the area, including annual precipitation and wind direction.

D. Uses Permitted

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

1. Special Impact Facilities

Arsenals  
Atomic Reactors  
Explosives Manufacturing and Storage  
Fireworks Manufacturing  
Hazardous Wastes  
Radioactive Wastes  
Solid Waste Landfills  
Solid Waste Processing and Recycling  
Waste Incinerators, Including Hospital and Medical Waste

E. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in 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 Section 4.010.

F. Uses Permitted as Special Exceptions

There are no uses permitted as special exceptions in the I-2, Special Impact Industrial District.

G. Uses Prohibited

In the I-2, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

H. General Requirements Applicable to All Uses

1. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.
2. Side slopes of excavation and fills in earth; sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.
3. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates shall be properly maintained until all operations are completed.
4. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.
5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
6. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.

7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.
10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.
11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department Environment and Conservation.

I. Requirements for Specific Uses

1. Requirements for Incinerators and Atomic Reactors

- a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- b. All organic or combustible materials delivered to the site shall be burned in the incinerator.
- c. All residues resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.
- d. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper or hopper into the incinerator as soon as they are received, but in any case all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.
- e. All separation or picking of waste materials shall be conducted in an enclosed building only.
- f. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

2. Requirements for the Manufacture or Storage of Explosives, Munitions or Fireworks

- a. Any such facility shall not be located on a site having an area of less than fifty (50) acres.
- b. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- c. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

3. Requirements for Solid Waste Landfills

- a. All areas used for filling operations shall maintain the minimum setback as required by this section.
- b. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
- c. All separation or picking of waste materials shall be conducted in enclosed building only.
- d. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
- e. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

4. Requirements for Hazardous and Radioactive Wastes

- a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- b. All residues resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
- c. All areas used for filling operations shall maintain the minimum setback as required by this section.
- d. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

J. Dimensional Requirements

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

1. Minimum Lot Size

<b>Minimum Lot Area</b>	<b>10 acres</b>
<b>Lot Width at Building Setback</b>	<b>500 ft.</b>

2. Minimum Yard Requirements

Front Yard Setback	150 ft.
--------------------	---------

Side Yard Setback	100 ft.
-------------------	---------

except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.

Rear Yard Setback	100 ft.
-------------------	---------

except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) 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.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Section 7.030.

5. Parking Space Requirements

As regulated in, Section 4.010.

6. Accessory Structures

a. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.

b. Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

7. Peripheral Buffer Zone Requirements

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property

boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required plantings, it is recommended that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

K. Performance Bond Required

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the Building Inspector shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the Planning Commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

<b>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)</b>
---

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 and efficient land use and cost-effective delivery of services. The provisions of this district recognize 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, 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 a portion 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 (5,000) 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 street parking is permitted.

2. Nonresidential Uses (Amended 4-17-2017 by Ord.17-05)

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 five thousand (5,000) square feet of heated space per lot. Government Administrative Services and Emergency Response Buildings shall not have to meet size and setbacks requirements as deemed necessary by the Planning Commission.

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 (3,000) square feet.
4. If more than one (1) use shares a single building, no single use shall contain less than one thousand (1,000) 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 the 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 Ord. 10-13. 9/14/2010, Ord. 21-04 2/262021 )

**ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**Section A. Statutory Authorization**

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Pleasant View, Tennessee, Mayor and the Pleasant View Board of Alderman, do ordain as follows:

**Section B. Findings of Fact**

1. The Town of Pleasant View, Tennessee, Mayor and its Board of Alderman wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in

order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

2. Areas of the Town of Pleasant View, Tennessee 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. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

**Section 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 flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**Section D. Objectives**

The objectives of this Ordinance are:

1. To protect human life, health, safety and property;
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 and generally undertaken at the expense of the general public;
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, streets and bridges located in floodprone areas;

6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To maintain eligibility for participation in the NFIP.

## **ARTICLE II. 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 given its stated purpose and objectives.

**"Accessory Structure"** means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
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, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter or height of a building.

**"Appeal"** means a request for a review of the local enforcement officer'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 percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; 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"** see **"Special Flood Hazard Area"**.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

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

**"Building"** 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, excavating, drilling operations, or storage of equipment or materials.

**"Elevated Building"** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**"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 which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"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, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"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"**

(a) 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.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**"Flood Elevation Determination"** means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one 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) or flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

**"Flood Insurance Study"** is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**"Floodplain"** or **"Floodprone 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 and 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 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 a designated height.

**"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, blockage of bridge or culvert 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, adjacent 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 U.S. 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 the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Town of Pleasant View, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By the approved Tennessee program as determined by the Secretary of the Interior or

- b. Directly by the Secretary of the Interior.

**"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 a basement. An unfinished or flood resistant enclosure used 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 non-elevation 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 FEMA.

**"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 the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

**"New Construction"** means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and 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 or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

**"North American Vertical Datum (NAVD)"** means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

**"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.

**"Reasonably Safe from Flooding"** means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

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

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;
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.

**"Regulatory Flood Protection Elevation"** means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

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

**"Special Flood Hazard Area"** 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.

**"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 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; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial 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"** the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

**"Structure"** for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**"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 percent (50%) of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

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 pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project 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 percent (50%) 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.

**"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 this 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, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

## **ARTICLE III. GENERAL PROVISIONS**

### **Section A. Application**

This Ordinance shall apply to all areas within the incorporated area of the Town of Pleasant View, Tennessee.

**Section B. Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the Town of Pleasant View, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 26, 2021, and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47021C0075E, 47021C0100E, 47021C0160E and 47021C0180E, dated February 26, 2021, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

**Section C. Requirement for Development Permit**

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

**Section D. Compliance**

No land, 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.

**Section E. Abrogation and Greater Restrictions**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

**Section 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 Tennessee statutes.

**Section 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 Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City 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.

**Section 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 shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Pleasant View, Tennessee from taking such other lawful actions to prevent or remedy any violation.

#### **ARTICLE IV. ADMINISTRATION**

##### **Section A. Designation of Ordinance Administrator**

The Town of Pleasant View Building Commissioner is hereby appointed as the Administrator to implement the provisions of this Ordinance.

##### **Section B. Permit Procedures**

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and 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 where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
  - b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
  - c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
  - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - e. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities.
  - f. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to

the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

- An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
- A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

## 2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to

submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Finished Construction Stage

For all new construction and substantial improvements, the permit holder shall provide to the Administrator a final Finished Construction Elevation Certificate (FEMA Form 086-0-33). A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

**Section C. Duties and Responsibilities of the Administrator**

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. 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), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, 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 Town of Pleasant View, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator 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.
12. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

## **ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION**

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

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring 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 and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All 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 that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

## **Section B. Specific Standards**

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

### 1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to 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 equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

### 2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential 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 Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, 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 Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - 1) 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;
  - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - 3) 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. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
  - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - 1) Be on the site for fewer than 180 consecutive days;
  - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
  - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

**Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated**

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;
2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
3. ONLY if Article V, Section C, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

**Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated**

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. Require until a regulatory floodway is designated, that no new construction, substantial , or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed 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.
2. A community may permit encroachments within within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
3. ONLY if Article V, Section D, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

**Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)**

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee 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 Town of Pleasant View, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

**Section F. Standards For Areas of Shallow Flooding (Zone AO)**

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of

one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.

2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article V, Section F(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be 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. Certification is required in accordance with Article 4, Section B(1) (c) and Article V, Section B(2).
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**Section G. Standards For Areas of Shallow Flooding (Zone AH)**

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**Section H. Standards For Areas Protected by Flood Protection System (A-99 Zones)**

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

**Section I. Standards for Unmapped Streams**

Located within the Town of Pleasant View, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee 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 locality.

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

## **ARTICLE VI. VARIANCE PROCEDURES**

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

1. Authority

The Town of Pleasant View, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Board of Alderman.

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred and fifty (\$150) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than ten (10) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

- a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Town of Pleasant View, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, 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 necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Municipal 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 use;
  - 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;
  - 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, water systems, and streets and bridges.

- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal 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.

**Section 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 the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or 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 Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

**ARTICLE VII. LEGAL STATUS PROVISIONS**

**Section A. Conflict with Other Ordinances**

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the Town of Pleasant View, Tennessee, the most restrictive shall in all cases apply.

**Section B. Severability**

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

**Section C. Effective Date**

This Ordinance shall become effective February 26, 2021 in accordance with the Charter of the Town of Pleasant View, Tennessee, and the public welfare demanding it.

