

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION

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8.010 ADMINISTRATION OF THE ORDINANCE

Except as, otherwise, provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

8.020 THE ENFORCEMENT OFFICER (DELETED AND SUBSTITUTED 8-10-2017)

The provisions of this ordinance shall be administered and enforced by the Pleasant View Building Commissioner. The Building Commissioner shall administer and enforce this ordinance, in addition, he shall:

- A. Issue all Building Permits and Temporary Use Permits as set by ordinance and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Review and make decisions on Site Sketch Plans. Make decisions on minor changes to existing site plans with reports in written form to Planning Commission of any minor changes as they occur.
- D. Maintain and keep current zoning maps and records of amendments thereto.

- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances, special exceptions or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Receive, file and forward to the Planning Commission all matters on which the Planning Commission is required to act under this ordinance.
- G. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Commissioner shall possess the right to enter upon any premises where a temporary use is ongoing, or for the purpose of making inspections of structures, sites, and buildings actively permitted, or premises under application to the Planning Commission or Board of Zoning Appeals to carry out his authorized duties.

8.030 ZONING COMPLIANCE PERMIT (BUILDING PERMITS) (DELETED AND SUBSTITUTED 8-10-2017)

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including expansion, including accessory structures, to use a building or structure, or to commence the filling of land without a permit therefore, issued by the Building Commissioner.

No Building Permit shall be issued by the Building Commissioner, except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

A. Application for a Building Permit

Application for a Building Permit shall be made in writing to the Building Commissioner on forms provided for that purpose. Applications for Building Permits will be accepted only from persons having legal authority to take action in accordance with the permit. In general, this means that the application should be made by the owners or lessees of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons. The Building Commissioner may require an applicant to submit evidence of his authority to submit the application for a building permit whenever there appears to be a reasonable basis for questioning this authority.

All applications shall be completed before the Building Commissioner is required to consider the application- Plans shall contain any information deemed relevant by the Building Commissioner. Plans may be required to be stamped by a qualified registered design professional.

B. Site Plan Requirements and Site Plan Review Requirements (Amended Subsections C - G, by Ordinance No. 03-02, March 11, 2003)

The purpose of this provision is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary

congestion: to obtain maximum convenience, safety, economy, and identify in relation to adjacent sites: and to provide maximum flexibility for expansion, change in use, and adapting to individual needs. Thus, applicants for building permits must submit ten (10) copies or an electronic copy in a reviewable format and 2 hard copies of the site plans drawn to scale and prepared by a licensed surveyor, civil engineer, architect or landscape architect as allowed by the current Tennessee Board of Architectural and Engineer Examiners Reference Manual plans, surveys and calculations shall be stamped by licensed professional as deemed necessary by the manual. Site plans shall be required for multi-family residential developments, commercial and industrial developments and all special exceptions. Mobile home parks shall submit a site plan as required in Section 4.090. The Planning Commission shall be the reviewing agency for all permitted uses and the Board of Zoning Appeals shall be the reviewing agency for all special exceptions. There are provisions for Special Exceptions in Section 8.070. The following requirements are intended to promote good site development and ensure that multi-family residential, commercial, industrial, and special exceptions comply with the provisions of this ordinance. Any approval of a site plan shall cease to be effective as per State of Tennessee vested right laws as set aside in TCA section 13-4-310. The Planning Commission shall permit the Building Commissioner to waive site plan requirements under the following conditions as shown in

Building additions, and accessory buildings not over twenty-five percent (25%) or not greater than Twenty-five hundred (2,500) square feet or parking lot expansions of twenty-four (24) or less spaces and accompanying aisles shall require a site sketch plan be submitted and approved as per section Zoning Ordinance section 8.030 subsection B item 3 and 4.

Site Plans shall contain the following information:
(amended by ord. 16-17 October 11, 2016)

The following information shall be included on all site plans.

1. General Location Sketch Map at a Scale Not Smaller Than 1" = 2,000', Showing:
 - a. The approximate boundaries of the site.
 - b. External public access streets or roads in relation to the site.
 - c. Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
 - d. Any public water and sewer systems in relation to site.

2. Site Plan Drawn at a Scale No Smaller Than 1" = 100', Showing:

- a. The actual lot drawn with all dimensions along with the dimension of all rights-of-ways and easements adjacent to the property.
- b. The shape, size, and location of all existing buildings or other structures on the lot.
- c. The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.
- d. Site topographic features showing both existing and proposed contours at a vertical interval, no greater than two (2) feet.
- e. Location of all driveways and entrances. Approval of any highway connections and storm water outfalls to highway ROW by TDOT.
- f. Location of all accessory off-street parking areas provided to serve use, all spaces shall be delineated on the plan showing the dimensions of all spaces along with traffic aisles. Per Article 4 and Design Standards Appendix of Zoning Ordinance.
- g. Any required off-street loading areas with adequate space to access into and out of the berths.
- h. Landscaping plan for the site showing all required trees and shrubs as required by the Design Standard Appendix to Zoning Ordinance.
- i. Building plans for the buildings to be constructed including building elevations, exterior materials and building heights as per the Design Standard Appendix to Zoning Ordinance.
- j. Proposed ground coverage recap of the site including floor area, square footage of all impervious areas and amount of required open space.
- k. Location of all areas designated for solid waste along with a sketch of the proposed screening for the area as per the Design Standard Appendix to Zoning Ordinance.
- l. Location and dimensions of required buffer along with a cross section of buffer with the type of planting specified. In the advent that a fence or wall is proposed in lieu of a buffer the location of the fence shall be shown along with a sketch of the proposed fence or wall. as per the Design Standard Appendix to Zoning Ordinance.

- m. A site grading and drainage plan showing all on site structures, discharge points and the effect on adjacent properties and drainage ways. Location of any area subject to flooding. Stormwater calculations as set aside by Design Standards and subdivision regulations, Showing Pre and post calculations for all impervious areas. Sediment control plan approved by State Environment and Conservation dept. for sites over one (1) acre. (required before work commences)
- n. Site utility plan to serve the proposed site, all utilities required to be underground.
- o. Show location, type, and size of proposed signs.

3. Buildings Exempt from Site Plan Requirements

Building additions, and accessory buildings, no larger than twenty five percent (25%) of existing building or twenty-five hundred (2,500) square feet or less, parking lot expansions of 24 or less spaces and accompanying aisles are exempt from submitting a complete site plan as required in Section 8.030, B, 2, of this ordinance. In lieu of a site plans the owner or developer shall submit to the Building Commissioner a site sketch plan containing the following information.

The following information is required on a site sketch plan:

- a. General location map (no scale required).
- b. Map of the site drawn by a licensed surveyor showing existing or proposed plan-o-metrics in relation to property lines.
- c. Proposed location of the addition or accessory structure, drawn at a scale no smaller than 1" = 100' showing property lines and the outline of the existing building in this area.
- d. A drainage plan will be required for any addition, or accessory structure or parking area that disturbs soil structures or natural drainage areas with accompanying drainage calculations if deemed necessary.
- e. Location and size of any public utilities or easements in the area of construction.
- f. On sites located adjacent to residential areas a plan for screening and buffering will be required for commercial structures.
- g. A revised ground coverage recap of the site, if existing is disturbed.

h. Building wall and roof materials and landscape plan. Site must show how they meet the adopted design standards as set in the Design Standards Appendix of the Zoning Ordinance.

his. A review fee of twenty-five (\$25.00) dollars

4. The Building Commissioner as Reviewing Body May:

a. Recommend approval of the plan as submitted to the Building Commissioner.

b. Recommend disapproval of the plan.

c. Recommend approval of the plan with conditions or recommendations for alterations.

If no actual construction has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect. Any appeals of decisions of the Building Commissioner on sketch plans shall be in written form. Sketch plan appeals shall have heard by and ruled on by the Planning Commission in a regularly scheduled meeting as scheduled by the Building Commissioner.

C. Issuance of Certificate of Occupancy

1. No building built or altered in its use shall be utilized or occupied until the Building Commissioner has issued a Certificate of Occupancy.

2. Within five (5) days after notification that a building or premise or part thereof is ready for occupancy or use, it shall be the duty of the Building Commissioner to make a final inspection.

3. The Building Commissioner shall use training, experience and all applicable ordinances, codes and standards in the issuance of a Certificate of Occupancy.

4. The Building Commissioner at his or her discretion based on circumstances, issue a Temporary Certificate of Occupancy. It is the goal of The Town of Pleasant View to be proactive with inspections and open to communications so as to prevent the need for a Temporary Certificate of Occupancy.

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Building Commissioner, as provided for in Article IV, Section 4.030, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Commissioner on the form provided for that purpose.

8.040 TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Building Inspector, as provided for in Article IV section 4.030, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the building Inspector on the form provided for that purpose.

8.050 PLEASANT VIEW BOARD OF ZONING APPEALS

A Pleasant View Board of Zoning Appeals (hereafter referred to as the Board) is hereby established in accordance with 13-7-106 through 13-7-109 of the Tennessee Code Annotated, the Pleasant View Board of Zoning Appeals shall consist of five (5) members. The Board of Mayor and Aldermen shall appoint members and may fix their compensation and their terms, which shall be so arranged that the term of one (1) member will expire each year. The Board may remove any member upon cause. Vacancies shall be filled for an unexpired term in the same manner as the case of original appointment.

A. Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence, the citing chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon. The records and minutes shall be filed in the office of the Building Inspector and shall be a public record.

B. Appeals to the Board

An appeal to the Pleasant View Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appeals was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other

administrative official in the carrying out of enforcement of any provision of this ordinance.

2. Special Exceptions

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances

To hear and decide applications for variances from the terms of this ordinance.

D. Rules and Regulations of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of three (3) members of the Board shall constitute a quorum and the concurring vote of at least three (3) members of the Board shall be necessary to deny or grant any application before the Board.
2. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Pleasant View at least ten (10) days before the hearing of an appeal. No appeal shall be considered and heard by the Board less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the Board that could not have been reasonably presented in a public hearing before the Board, the Board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.
3. The Board may call upon any other office or agency of the Town government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
4. The Municipal Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
5. Any officer, agency, or department of the Town or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by State law.
6. Any decision made by the Board on a special exception shall indicate the specific section of this ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.

7. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good, and sufficient cause being shown.
8. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

E. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown.

F. Liability of Board Members, Building Inspector and Employees

Any board member, Building Inspector, or other employee charged with the enforcement of this ordinance, acting for Pleasant View within the scope of the responsibilities assigned him under this ordinance shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the Town of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, Building Inspector, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the Town until the final termination of such proceedings.

G. Right of Entry upon Land

Upon notice to property owners, the Board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

H. Rehearings

1. No rehearing of the decision by the Board shall be had except:
 - a. On motion to reconsider the vote; or
 - b. On a written request for a hearing.
2. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the

request for a rehearing, subject to such conditions as the Board may, by ordinance in each case, stipulate.

3. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.

If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.

4. No rehearing for a variance shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article.

8.060 VARIANCES

The purpose of this procedure is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. Hearing

Upon receipt of an application the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardship. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below. A fee shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Standards for Variances

The Board shall not grant a variance except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the Board shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
6. The variance will not authorize activities otherwise excluded from the particular district in which requested.
7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.
8. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

D. Restrictions and Variances

1. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Under no circumstances shall the Board of Appeals grant a variance to allow a **"USE"** not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
3. The Board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in Section 8.060, C, above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of any variances.

8.070 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

The following procedure is established to provide procedures for review of a proposed use as a special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application including a site plan shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require. Said site plan shall comply with the regulations set forth in Section 8.030, B, and Section 8.030, C.

B. Restrictions

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

C. Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

D. Time Limit

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

E. General Requirements

A special exception shall be granted provided the Board finds that the activity:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
2. Will not adversely affect other property in the area in which it is located.
3. Is within the provision of "Special Exceptions" as set forth in this ordinance.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience at that location.

F. Special Exceptions Appeals

Any person or agency of the Town government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this article shall be final, and subject to review only for illegality or want of jurisdiction. A fee shall be charged to cover review and processing of each application for a special exception.

G. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

1. Special Conditions for Administrative Services

- a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- b. All lot, yard, and bulk regulations of the zone district shall apply.
- c. Appropriate off-street parking requirements shall apply.

- d. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.

2. Day Care Centers

For purposes of this ordinance day care facilities are classified into two types as defined below:

Day Care Home - includes day care in an occupied residence of not more than seven (7) children, including children living in the home.

Day Care Center - includes day care for more than seven (7) preteenage children in any kind of building.

a. Day Care Home

The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.

All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.

All requirements of the State of Tennessee that pertain to the use shall be met.

An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.

The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

b. Day Care Center

No such facility shall be permitted on a lot unless such lot contains at least one (1) acre.

3. Special Conditions for All Other Personal and Group Care Activities

- a. No such facility shall be permitted on a zone lot, unless it contains a minimum of one (1) acre.
- b. All bulk regulations of the district shall be met.
- c. The requirements of the accessory off-street parking regulations of this ordinance shall apply.

- d. All regulations of the State of Tennessee shall be met.
- e. All public utilities and sewage disposal shall be available and connected to the site.

4. Special Conditions for Community Assembly

a. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.

b. All bulk regulations of the zone district shall apply.

c. Off-Street Parking

i. For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.

ii. For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

d. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.

e. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.

f. All public utilities and sewage disposal shall be available and connected to the site.

5. Special Conditions for Cultural and Recreational Services

a. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.

b. All bulk regulations of the district shall apply.

c. The off-street parking requirements of this ordinance shall apply.

- d. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within the surrounding area.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.

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6. Special Conditions for Community Education

- a. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- b. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
- c. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- d. The off-street parking requirements of this ordinance shall apply.

7. Special Conditions for Intermediate Impact

- a. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.
- c. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- d. The off-street parking requirements shall be determined by the Board taking into account characteristics of the use.

8. Special Conditions for Religious Facilities

- a. No such facilities shall be permitted on a zone lot unless it contains one (1) acre.
- b. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
- c. All bulk regulations of the district shall be met.
- d. The off-street parking requirements of this ordinance shall apply.

H. Specific Standards for Commercial Activities

A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

1. Special Conditions for Group Assembly Activities

- a. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- d. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
 - i. The minimum size site shall be twenty-five (25) acres.
 - ii. The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.
 - iii. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
 - iv. Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through

residential subdivisions or on minor residential streets.

- v. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
 - vi. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
 - vii. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
 - viii. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
- f. When an application for a Group Assembly Permit includes a private campground, the following standards shall be met:
- i. Such campground shall have on site management.
 - ii. The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller.
 - iii. Such campground shall meet the following standards:
 - Minimum size - Ten (10) acres.
 - Maximum density - Ten (10) campsites per gross acre.
 - Sanitary facilities, including flush toilets and showers - Within three hundred (300) feet walking distance of each campsite.

Dump station for travel trailers.

Potable water supply - One (1) spigot for each four (4) campsites.

Trash receptacle - One (1) for each two (2) campsites.

Parking - One (1) space per campsite.

Picnic table - One (1) per campsite.

Fireplace or grill - One (1) per campsite.

Administration or safety building - Open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

- iv. Such campground shall meet the following design requirements:

Vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.

Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration building, commercial areas, or similar activities.

Each campsite shall have a minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.

Each separate campsite shall contain a minimum of thirty two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access.)

Each campsite shall be directly accessible by an interior road.

All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.

All interior roads shall meet the following curve requirements:

Minimum radius for a 90 degree turn - 40 feet

Minimum radius for a 60 degree turn - 50 feet

Minimum radius for a 45 degree turn - 68 feet

No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

2. Special Conditions for Adult Entertainment Business (Amended by Ordinance No. 10-04, May 11, 2010)
- a. No establishment shall be located within fifteen hundred (1,500) feet (measured property line to property line) of any church, school ground, college campus or park.
 - b. All establishments shall be located at least five hundred (500) feet (measured property line to property line) from any other adult entertainment business.
 - c. No establishment shall be located within one thousand (1,000) feet (measured property line to property line) from any residential zoned property.
 - d. The facility in which an adult oriented business is located, shall be designed in such fashion that all openings, entries and windows prevent view into the facility from pedestrian, sidewalk, walkway, street or other public areas. No merchandise or pictures of products or entertainment on shall be displayed in window areas or any area where such displays can be viewed from any pedestrian, sidewalk, walkway, street or other public area.
 - e. No adult oriented activity shall take place partially or totally outside of an adult oriented business establishment.
 - f. Signs for adult oriented business establishments shall not flash, blink or move by mechanical means and shall not extend above the roofline of the building. No flashing lights or lighting which leaves the impression of motion or movement shall be permitted.
 - g. Be in compliance with all provisions of the Tennessee Code Annotated, Sections 7-51-1101 through 7-51-1121.

3. Specific standards for Commercial Limited Alcohol Manufacturing:
(added by ordinance 16-19 12-13-2016)

The zoning use would include limited alcohol manufacturing including on-site retail sales associated with a tourist oriented business. The intention is for a limited scale facility to reduce impacts onto adjacent non-industrial zoned properties. The following special exceptions uses standards are to be reviewed with all conditional use requests:

- a. Applicant to provide documentation of business process including the alcohol content of all beverages manufactured and sold on-site and a preliminary site sketch with application including buildings and site improvements proposed including any outdoor material storage areas, and any specific traffic needs regarding shipping, delivery, and tour buses to determine impacts on adjacent commercial properties.
- b. Applicant to provide list of the City's Building and Fire Code requirements for the board to determine the level of fire risk associated with the business to determine any impacts onto adjacent properties.
- c. Applicant to provide information regarding the manufacturing process to determine any odor, dust, vapor, and noise associated with the process that would create a nuisance or negative impact onto adjacent non-industrial zoning districts.
- d. The use shall include a minimum twenty (20%) on-site retail customer sales area to meet intention for a tourist oriented use. The board may review variations due to unique site, building, or business conditions.
- e. The use shall not exceed a total building area of 10,000 square feet to meet intention for a limited scale use. The board may review variations due to unique site, building, or business conditions.
- f. Applicant is required to obtain all additional required local and state permits and licenses.
- g.

4. Specific Standards for Truck refueling stations
(Added by ord.18-08 October 16, 2018)

- a. Driveway entry and exit at street shall allow at least three (3) trucks to que without blocking traffic lanes, driveways or intersections.
- b. Truck entry/exit driveway shall not be allowed within four hundred (400) feet of any existing street, highway or existing driveway intersection.

- c. Driveway location shall be separate for trucks and small vehicles and shall be clearly marked.
- d. Truck refueling area shall have adequate que area for at least two (2) trucks at each pump.
- e. All refueling areas shall have clear area within fifteen (15) feet of building for pedestrians to walk between the pump island and Building.
- f. A truck parking area shall be at least one hundred (100) feet clear aisle in front of each parking space.
- g. No truck parking stall shall be less than eighty (80) feet in depth by ten (10) feet in width.
- h. Truck parking areas shall be within four hundred (400) feet of a restroom facility.
- i. Truck parking area shall have no small vehicle parking intermixed.

I. Specific Standards for Manufacturing and Nonmanufacturing Activities in Industrial Districts

A special exception permit shall not be granted unless the standards below are met:

- 1. The manufacturing activity takes place in completely enclosed buildings. Outdoor storage of materials and finished products shall be screened and buffered.
- 2. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
- 3. No such facility shall be located on a lot unless such lot contains at least one (1) acre.
- 4. State permits for air pollution standards and emissions must be obtained and kept up to date.

J. Specific Standards for Animal Raising (Amended by Ordinance 09-06)

A. Special exception permit shall not be granted unless the standards below are met.

- 1. Minimum size lot to be used for Animal Raising shall be five (5) acres.
- 2. The person or persons requesting a "Special Exception" permit shall reside on the property.
- 3. No poultry, bovine (excluding cattle), or swine houses or lots will be permitted..

4. All fenced areas for animals shall comply with Section 2.020 "Animal Unit" definition of this ordinance as to minimum size of the fenced area.
5. All fences shall be of adequate size and material to prohibit animals from escaping the enclosure.
6. Any accessory structure constructed on site for the "Special Exception" shall not exceed 2,000 square feet.
7. Animals shall be kept in compliance with all local health Regulations.

<p>8.080 AMENDMENTS TO THE ORDINANCE (Amended by Ordinance No. 00-18, December 12, 2000)</p>

The regulations and the number, or boundaries of districts established by this ordinance may be amended, supplemented, changed, modified, or repealed by the Pleasant View Board of Mayor and Aldermen. Any member of the Board of Mayor and Aldermen may introduce such legislation, or any official, board, or any other person may represent a petition to the Board of Mayor and Aldermen requesting an amendment to or amendments to this ordinance.

No amendment shall become effective, unless it is first submitted to the Pleasant View Municipal Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its recommendation to the Board of Mayor and Aldermen. If the Planning Commission disapproves the amendment, it shall require a favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or if disapproved, receive the favorable note of a majority of the entire membership of the Board of Mayor and Aldermen.

Before finally adopting any such amendment, the Board of Mayor and Aldermen shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the Town. This notice shall specify the location and the current and proposed zoning classification of any property to be rezoned. Additionally, when a change in zoning classification is proposed for such parcel, it shall be posted with at least two (2) signs in conspicuous locations on such property in a form to be prescribed by the Planning Commission. These signs shall be posted for not less than fifteen (15) days prior to the public hearing.

A fee as established by the Pleasant View Board of Mayor and Alderman due and payable to the Town at the time of filing of the petition shall be posted with the request to amend a provision or provisions of this ordinance. The fee is to be used by the Town to defray costs resulting from such petition and any subsequent amendments, hereto.

8.081 Amendments to the Zoning Map

Amendments to the zoning map shall be initiated by the filing of an application with the Building Inspector. Said application shall contain:

1. The name and address of the owner and/or owners of the subject property, and the written certification of the authorized agent.
2. A written legal description of the subject property including the Tax Plat Number and acreage.
3. A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.
4. The names and addresses of the adjacent property owners, including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.
5. Two (2) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1" = 100' and no larger than 1" = 30', and show the following information:
 - a. Title, north arrow, graphic scale, date, civil, district, and the acreage of the property to be rezoned.
 - b. Dimensions in feet of property to be rezoned.
 - c. All roads and easements within or adjoining property to be rezoned.
 - d. Location, size, type and current use of any building on the property requested for rezoning.
 - e. Location of the adjoining property owners in relation to the property to be rezoned.

8.090 PENALTIES

Any persons violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violations continue shall constitute a separate offense.

8.100 REMEDIES

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

8.110 VALIDITY

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this ordinance as a whole or any other part of this ordinance be judged invalid or unconstitutional.

8.120 INTERPRETATION

Whenever the conditions of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

8.130 EFFECTIVE DATE

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Cheatham County Regional Planning Commission.

March 3, 1997
Date

Chairman, Cheatham County
Regional Planning Commission

Approved and adopted by the Town Board of Pleasant View, Tennessee.

May 27, 1997
Date Adopted

David R. Davis
Mayor of Pleasant View

June 4, 1997
Effective Date

March 27, 1997
Public Hearing Date

ATTESTED BY:

Pansy Pardue
Pleasant View Town Recorder