

PUBLIC NOTICE



WORKSHOP MEETING BOARD OF COMMISSIONERS

FAIRVIEW CITY HALL

**JUNE 4, 2015
6:00 PM**

**Finance Discussion with
Ralph Cross, MTAS**

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS

JUNE 4, 2015

7:00 P.M.

AGENDA

1. **Call to order by Mayor Carroll**
 - A. Prayer and Pledge
2. **Approval of the Agenda –**
3. **Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each). –**
4. **Awards and/or Recognitions –**
5. **Public Announcements –**
6. **Staff Comments –**
7. **Approval of the Minutes – (only needed if removed from consent agenda)**
8. **Consent Agenda Consisting of Items as Follows:**
 - A. Approval of the Minutes from the May 12, 2015 Board of Commissioners/Finance Review Committee Special Meeting
 - B. Approval of the Minutes from the May 21, 2015 Board of Commissioners/Finance Review Committee Special Meeting
 - C. Approval of the Minutes from the May 21, 2015 Board of Commissioners Meeting
 - D. Discuss and/or Take Action on Bill #2015-19, Ordinance No. 884, An Ordinance Repealing Resolution No. 01-15 and Creating a Consent Agenda for the City Fairview, Tennessee, Pursuant to Charter Provision C-28-29, T.C.A. §6-20-215, Section 1. (a) as Amended by Tennessee Legislative Acts of 2015, (2015-04-20), Public Chapter 115
 - E. Discuss and/or Take Action on Bill #2015-11, Ordinance No. 876, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code, Title 13, "Property Maintenance Regs." Chapter 4, "Tree Planting and Protection," Section 13-404, "Duties of the Tree Commission, Section 13-409, "Community Tree Plan," Section 13-411, "Trees on Private Property," Section 13-419, "Appeal from any Recommendation(s) of the Tree Commission."
 - F. Discuss and/or Take Action on Bill #2015-20, Ordinance No. 885, An Ordinance to Amend the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (appropriating \$24,000 from State Street Aid to Fund City's 20% Resurfacing Grant Obligation)
9. **Old Business**
10. **New Business**
 - A. Discuss and/or Take Action on Bill #2015-23, Ordinance No. 888, An Ordinance to Annex Certain Property, Located on Horn Tavern Road, Map 022, Parcels 064.00 and 065.00, Herein Described Below and to Incorporate Same Within the Corporate Boundaries of the City of Fairview, Tennessee; Belonging to Priscilla Lampley. All the Property Proposed for Annexation Lies Within the City of Fairview, Tennessee's Growth Boundary - Sutton
 - B. Discuss and/or Take Action on Filling Expiring Seats – Carroll
 - (1) Planning Commission (1 seat) – application(s) from: Mitch Dowdy, Jake Bliet
 - (2) Industrial Development Board (1 seat) – application(s) from: John Hall, Scott Tucker
 - (3) Beer Board (1 seat) – application(s) from: Richard Biggs, Jr.
 - (4) Board of Zoning Appeals (1 seat) – application(s) from: NONE RECEIVED

- (5) Board of Adjustments & Appeals (3 seats) – application(s) from: James Beata, Lacy Chivers, Wayne Lowman
- (6) Tree Board (2 seats) – application(s) from: Jane Woodall, Jack Cannon, Ron Rowe, Brandon Butler
- (7) Park Board (1 seat) – confirmation of recommendation from Friends of Bowie Park: nomination Richard Edmonson
- C. Discuss and/or Take Action on Recommendation from the Planning Commission for Rezoning Application with Preliminary Master Development Plan for Property Located on Cox Pike, Map 43, Parcels 30.01 and 31.00, 32.19 Acres from RS-40 (Residential) to RPUD (Residential Planned Unit Development) with a Base Density of RS-15, Denny, Proctor & Welch, owners – Sutton
- D. Discuss and/or Take Action on Resolution No. 16-15, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on the Annexation of Certain Property, Located on Horn Tavern Road, Herein Described Below and to Incorporate Same Within the Corporate Boundaries of the City of Fairview, Tennessee. All the Property Proposed for Annexation Lies Within the City of Fairview, Tennessee's Growth Boundary. The Property to be Annexed is Located in Williamson County, Tennessee, City of Fairview, Tennessee, Growth Boundary, Geological Listing of Assessment Roll Map 022, Parcels 064.00 and 065.00, Belonging to Priscilla Lampley - Sutton
- E. Discuss and/or Take Action on Bill #2015-24, Ordinance No. 889, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article V, "Residential District Regulations," Section 5-104, "Supplemental Design Provisions," 5-104.1, "Development Standards for Multi-Family Dwellings," Paragraph 4iii – Sutton
- F. Discuss and/or Take Action on Resolution No. 18-15, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on an Ordinance (Bill #2015-24, Ordinance No. 889) to Amend City of Fairview, Tennessee Municipal Zoning Code, Article V, "Residential District Regulations," Section 5-104, "Supplemental Design Provisions," 5-104.1, "Development Standards for Multi-Family Dwellings," Paragraph 4iii - Sutton
- G. Discuss and/or Take Action on Bill #2015-25, Ordinance No. 890, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article VIII, "Overlay Districts," Section 8-203, "Administrative Procedure Governing Planned Unit Developments," 8-203.3, "Preliminary Approval of the Proposed Planned Unit Development," 8-203.3(4), "Preliminary Approval of the Proposed Planned Unit Development," 8-203.3(6), "Preliminary Approval of the Proposed Planned Unit Development," 8-203.3(8), "Preliminary Approval of the Proposed Planned Unit Development." – Sutton
- H. Discuss and/or Take Action on Resolution No. 19-15, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on an Ordinance (Bill #2015-25, Ordinance No. 890) to Amend City of Fairview, Tennessee, Municipal Zoning Code, Article VIII, "Overlay Districts," Section 8-203, "Administrative Procedure Governing Planned Unit Developments," 8-203.3, "Preliminary Approval of the Proposed Planned Unit Development," 8-203.3(4), "Preliminary Approval of the Proposed Planned Unit Development," 8-203.3(6), "Preliminary Approval of the Proposed Planned Unit Development," 8-203.3(8), "Preliminary Approval of the Proposed Planned Unit Development." – Sutton
- I. Discuss and/or Take Action on Bill #2015-26, Ordinance No. 891, An Ordinance of the City of Fairview, Tennessee Adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2015 and Ending June 30, 2016 – Bissell
- J. Discuss and/or Take Action on Resolution No. 20-15, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on the Proposed Budget for the City of Fairview, Tennessee for Fiscal Year 2016 - Bissell
- K. Discuss and/or Take Action on Section 9 of Bill #2015-26, Ordinance No. 891, An Ordinance of the City of Fairview, Tennessee Adopting the Annual Budget and Tax Rate for the Fiscal Year 2014-2015 – Bissell
- L. Discuss and/or Take Action on Resolution 21-15, A Resolution to Set a Public Hearing for the Purpose of Obtaining Public Comment on the Property Tax Rate for the City of Fairview, Tennessee for the Fiscal Year 2016 - Bissell
- M. Discuss and/or Take Action on Employee Health Plan for 2015-2016 Budget Year - Bissell
- N. Discuss and/or Take Action on Pitney Bowes Service Agreement – Bissell
- O. Discuss and/or Take Action on Open Meetings Act and Open Records Act - Crutcher

11. City Manager Items for Discussion –

- A. Miscellaneous Updates –
- B. City Attorney Comments -

12. Communications from the Mayor and Commissioners –

13. Adjournment.

8D

Bill # 2015-19

ORDINANCE NO. 884

AN ORDINANCE REPEALING RESOLUTION NO. 01 - 15 AND CREATING A CONSENT AGENDA FOR THE CITY FAIRVIEW, TENNESSEE, PURSUANT TO CHARTER PROVISION C – 28 -29, T.C.A. §6-20-215, SECTION 1. (a) AS AMENDED BY TENNESSEE LEGISLATIVE ACTS OF 2015, (2015-04-20), PUBLIC CHAPTER 115.

BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE AS FOLLOWS:

WHEREAS, The City of Fairview, Tennessee, previously at the regular meeting of January 15, 2015, enacted Resolution 01 – 15. Resolution 01 - 15 is hereby repealed and replaced in its entirety by this Ordinance.

WHEREAS, The City of Fairview, Tennessee, Board of Commissioners have determined that adding a Consent Agenda section/item to the City's Agenda at each and every meeting of the Board of Commissioners that contains items on the Agenda that in the unanimous opinion of the Board do not require discussion by the Board of Commissioners of the City, and,

WHEREAS, the addition of such a Consent Agenda will in applicable instances allow for a more efficient and expeditious utilization of the time necessary to address items that require detailed discussion by the City's Board of Commissioners, and;

WHEREAS, the Legislature of the State of Tennessee at the 109 General Assembly Session of that Body amended T.C.A. §6-20-215, **Section 1. (a) in the acts of 2015, (2015-04-20), Public Chapter 115.** The text of said Statute and Charter Provision is as follows:

(a)

(1) Except as provided in subdivision (a)(2). every ordinance shall be read two (2) different days in open session before its adoption. and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. Any city incorporated under chapters 18-22 of this title may establish by ordinance a procedure to read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading.

(2) Notwithstanding subdivision (a)(1), the board of commissioners governing any city incorporated under chapters 18-22 of this title may adopt ordinances pursuant to a consent calendar if the board unanimously passes an ordinance approving the consent calendar; provided, the ordinance approving the consent calendar shall require that:

(A) Each ordinance on the consent calendar be considered on two (2) different days in open session before its adoption and that not less than one (1) week shall elapse between first and second consideration;

(B) Copies of each ordinance adopted pursuant to the consent calendar be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading ; and

(C) If any board member objects to an ordinance on the consent calendar, the ordinance shall be removed from the consent calendar and may be adopted pursuant to subdivision (a)(1).

(3) A city that has established a consent calendar pursuant to subdivision (a) (2) may eliminate the consent calendar by passage of an ordinance in the same manner required to create the consent calendar.

THEREFORE BE IT ORDAINED, by the Board of Commissioners of the City of Fairview, Tennessee that a Consent Agenda Item be added to the Agenda of the City of Fairview, Tennessee at all meetings of said Board when in the unanimous opinion of the Board and at the Board's discretion such a Consent Agenda Item will positively affect the conduct of the Principal Agenda. The Consent Agenda item when included in the overall Agenda to be conducted before the Board of Commissioners will be conducted as follows:

1. A Consent Agenda may be placed on the Principal Agenda and presented by the Mayor to the Board of Commissioners at the beginning of a meeting. If any board member objects to an ordinance on the consent calendar, the ordinance shall be removed from the consent calendar and maybe adopted pursuant to subdivision (a)(1). If no objection is received to any items on the Consent Agenda the consent agenda may be adopted by unanimous vote of the Board of Commissioners without any further consideration(s).

2. All items to be considered on the Consent Agenda must comply with the following prior to being considered by the Board of Commissioners:

A. Each ordinance on the Consent Agenda Calendar must be considered on two(2) different days in open session before its adoption and that not less than (1) week shall elapse between first and second consideration;

B. Copies of each ordinance to adopted pursuant to the Consent Agenda Calendar must be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its second reading; and

C. If any board member objects to an ordinance on the Consent Agenda Calendar, the ordinance shall be removed from the Consent Agenda Calendar and may be adopted pursuant to subdivision (a)(1).

3. Citizens of the City of Fairview, Tennessee, who desire any Items removed from the Consent Agenda Calendar for discussion by the Board

of Commissioners, should communicate their desires for removal of any item(s) with any member of the Board of Commissioners or the City Manager prior to the beginning of the scheduled meeting of the Board of Commissioners.

BE IT FURTHER ORDAINED, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

BE IT FINALLY ORDAINED, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

May 7, 2015

Passed Second Reading

First Reading, Board of Commissioners Roll Call Vote:

Roll called and vote recorded by Brandi Johnson
City Recorder

Mayor
Patti L. Carroll: Aye, Nay, Abstain, Present not voting

Vice Mayor
Toney Sutton: Aye, Nay, Abstain, Present not voting

Commissioner
Allen Bissell: Aye, Nay, Abstain, Present not voting

Commissioner
Shannon L. Crutcher: Aye, Nay, Abstain, Present not voting

Commissioner
Stuart L. Johnson: Aye, Nay, Abstain, Present not voting

Second Reading, Board of Commissioners Roll Call Vote:

Roll called and vote recorded by _____
City Recorder

Mayor
Patti L. Carroll: _____ Aye, _____ Nay, _____ Abstain, _____ Present not voting

Vice Mayor
Toney Sutton: _____ Aye, _____ Nay, _____ Abstain, _____ Present not voting

Commissioner
Allen Bissell: _____ Aye, _____ Nay, _____ Abstain, _____ Present not voting

Commissioner
Shannon L. Crutcher: _____ Aye, _____ Nay, _____ Abstain, _____ Present not voting

Commissioner
Stuart L. Johnson: _____ Aye, _____ Nay, _____ Abstain, _____ Present not voting

8E

Bill # 2015-11

ORDINANCE NO. 876

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE, TITLE 13, "PROPERTY MAINTENANCE REGS." CHAPTER 4, "TREE PLANTING AND PROTECTION," SECTION 13-404, "DUTIES OF THE TREE COMMISSION, . SECTION 13-409. "COMMUNITY TREE PLAN," SECTION 13-411. "TREES ON PRIVATE PROPERTY," SECTION 13-419. "APPEAL FROM ANY RECOMMENDATION(S) OF THE TREE COMMISSION."

Be it Ordained by the City of Fairview, Tennessee as follows:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Municipal Code of the City of Fairview, Tennessee should be revised and that the best interest and welfare of all the citizens of the City of Fairview, Tennessee, will be served by amending the Fairview, Tennessee, Municipal Code, Title 13, "Property Maintenance Regs.", Chapter 4, "Tree Planting and Protection", Section 13-404, "Duties of The Tree Commission" Section 13-409, "Community Tree Plan," Section 13-411, "Trees on Private Property," Section 13-419, "Appeal from any Recommendations of the Tree Commission," as follows:

Therefore, be it Ordained by the City of Fairview, Tennessee as follows:

Fairview, Tennessee Municipal Code, Title 13, "Property Maintenance Regs.", Chapter 4, "Tree Planting and Protection", Section 13-404, "Duties of The Tree Commission" Section 13-409, "Community Tree Plan," Section 13-411, "Trees on Private Property," Section 13-419, "Appeal from any Recommendations of the Tree Commission," is hereby repealed in its entirety and amended and replaced by the following:

Fairview, Tennessee Municipal Code, Title 13, "Property Maintenance Regs.," Chapter 4, "Tree Planting and Protection", Section 13-404, "Duties of The Tree Commission" Section 13-409, "Community Tree Plan," Section 13-411, "Trees on Private Property," Section 13-419, "Appeal from any Recommendations of the Tree Commission," as amended reads as follows:

13-404 Duties of the Tree Commission. The Duties of the tree commission shall be as follows:

(1) To review and hear applications for and determine by vote a **recommendation** for granting or denial of permits regulating the planting, pruning, maintenance, and removal of trees on streets and other publicly owned

property. Said recommendation to be provided in writing with specifications to the Director of Codes Department of the City of Fairview for final determination.

(2) To review all tree protection plan proposals, relating to subdivision development and site development plans, for submission to the planning commission with recommendations for review and a decision.

(3) To compose and annually review a community tree plan that shall include an authorized tree and specimen list; and a tree protection plan. -To be submitted in April of each year to the Planning Commission for consideration and final determination.

(4) To assist the properly constituted officials of the city, as well as citizens and community groups, in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the city limits, whether they are on private or public property.

(5) To encourage and promote the City of Fairview as a tree-friendly city by means of education, public relations, and public programs including but not limited to:

- Applying for tree city status with the National Arbor Day Foundation.
- Conduct seminars and public education programs.
- Plan and coordinate an annual Arbor Week Observance.
- Develop a community forest preserve.
- Organize community tree planting projects.
- Establish a heritage tree program.

(6) To engage in any other lawful activity in pursuit of the mission of this commission which may benefit the urban forest, including but not limited to such activities as:

- (a) Apply for tree city status with the National Arbor Day Foundation.
- (b) Conduct seminars and public education programs.
- (c) Plan and coordinate annual Arbor Week Observance.
- (d) Develop a community forest preserve.
- (e) Organize community tree planting projects.
- (f) Establish a heritage tree program.

(7) Operating procedures of the tree commission. (a) Within sixty (60) days after the appointment of the tree commission, the commission shall meet and organize by the election of a chairman, vice-chairman) and standing committee chairs, as needed.

(b) A majority of the members shall constitute a quorum for the transaction of business.

(c) The tree commission shall provide for the adoption of rules and procedures and for the holding of regular and special meetings, as said commission shall deem advisable and necessary in order to perform the duties set forth.

(d) A journal of the proceedings and activities is to be recorded and maintained by the City of Fairview.

(8) To engage in any other lawful activity in pursuit of the mission of this commission which may benefit the urban forest, including but not limited to such activities as:

- (a) Apply for tree city status with the National Arbor Day Foundation.
- (b) Conduct seminars and public education programs.
- (c) Plan and coordinate annual Arbor Week Observance.
- (d) Develop a community forest preserve.
- (e) Organize community tree planting projects.
- (f) Establish a heritage tree program.

(9) Operating procedures of the tree commission. (a) Within sixty (60) days after the appointment of the tree commission, the commission shall meet and organize by the election of a chairman, vice-chairman) and standing committee chairs, as needed.

(b) A majority of the members shall constitute a quorum for the transaction of business.

(c) The tree commission shall provide for the adoption of rules and procedures and for the holding of regular and special meetings, as said commission shall deem advisable and necessary in order to perform the duties set forth.

(d) A journal of the proceedings and activities is to be recorded and maintained by the City of Fairview.

(10) Meetings. As needed The "tree commission" shall meet on the first Tuesday of the month only upon the call of the Planning Commission Chairman or the Director of Codes Division.

13-409. Community tree plan. The commission shall have the authority to formulate a community tree plan (See Appendix - item D) with the advice of consultants, city, state and federal agencies, public hearings, and approval of the Planning Commission.

The community tree plan shall include standard tree maintenance and planting specifications and permit application procedures; an authorized tree specimen list indicating types of trees and procedures for planting on city property; a tree protection plan, including a tree replacement schedule to regulate, any public trees not under the jurisdiction of the City of Fairview Parks Department.

13-411. Trees on private property. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct views of any street or alley intersection.

It shall be the duty of any person owning or occupying real property, bordering on any street, park or other public land, on which there may be trees that are diseased or insect infested, to remove, spray or treat such trees in such manner that they will not infect or damage nearby public vegetation or cause harm to the community or citizens therein.

The tree commission may with concurrence of the city arborist send to the Codes Department a list of trees on private land that cause obstruction, represent an insect or disease problem or otherwise present a danger to public health or safety, and need to be pruned, removed or treated, at owner's expense. The final decision as to removal is with the Director of Codes Department.

13-419. Appeal from any recommendation(s) of the tree commission.

Since the Tree Commission issues only recommendations, to the Director of Codes and/or the Planning Commission, there is no necessity for an appeal process for their recommendation. Once the Director of Codes Department or the Planning Commission renders their decision their action may be appealed to the City Manager or the Board of Commissioners whichever is appropriate. The decision of either the City Manager or Board of Commissioners may be appealed to the appropriate State Court of Tennessee in accordance with applicable State of Tennessee Statute(s).

BE IT FURTHER ORDAINED, That the remaining Sections of Title 13, Chapter 4 of the Municipal Code of Fairview, Tennessee shall remain unchanged and are not amended or changed in any manner or form by this Ordinance and remain in full force and effect.

BE IT FURTHER ORDAINED, by the Fairview Board of Commissioners that the Fairview Municipal Code, be amended to include this Ordinance as amended.

BE IT FURTHER ORDAINED, if any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

BE IT FINALLY ORDAINED, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

April 2, 2015

Passed Second Reading

8F

Bill # 2015-20

ORDINANCE NO. 885

AN ORDINANCE FOR AN AMENDMENT TO THE CITY OF FAIRVIEW, TENNESSEE, BUDGET FOR FISCAL YEAR 2014 – 2015 BUDGET

Be it Ordained by the City of Fairview, Tennessee as follows:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the Budget for Fiscal Year 2014 - 2015 (beginning July 1, 2014 and running through June 30, 2015) should be amended to reflect the final expenditures for the Fiscal Year, and:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee adopted the fiscal year 2014 – 2015 budget by passage of Ordinance Number 840 on June 30, 2014, and

WHEREAS, pursuant to the Tennessee state Constitution, Article II, Section 24, no public money shall be expended except pursuant to appropriations made by law, and

WHEREAS, pursuant to Tennessee Code Annotated § 6-56-209, the Board of Commissioners has the authority to authorize the Finance Director to transfer money from one appropriation to another within the same fund, and

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE THAT CHANGES BE MADE TO THE FISCAL YEAR 2014-2015 BUDGET AS FOLLOWS:

Section 1. Ordinance 840 is hereby amended to appropriate \$24,000 from State Street Aid to fund the City's 20% obligation of the Cox Pike and Cumberland Drive Resurfacing Grant Project.

General Fund

Transfer From			
Account #	Current Balance	Transfer Amount	New Balance
110-37940	\$162,735.00	\$ 24,000.00	\$138,735.00
Expenditures			
Account #	Current Budget	Amendment Amt	New Budget Amt
110-43190-931	\$ 40,000.00	\$ 24,000.00	\$ 64,000.00

Section 2. The Financial Officer is hereby authorized to make said changes in the accounting system.

BE IT FURTHER ORDAINED, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

BE IT FINALLY ORDAINED, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it.

MAYOR

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading

May 7, 2015

Passed Second Reading

AN ORDINANCE TO ANNEX CERTAIN PROPERTY, LOCATED ON HORN TAVERN ROAD, MAP 022, PARCELS 064.00 AND 065.00, HEREIN DESCRIBED BELOW AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE; BELONGING TO PRICILLA LAMPLEY. ALL THE PROPERTY PROPOSED FOR ANNEXATION LIES WITHIN THE CITY OF FAIRVIEW, TENNESSEE'S GROWTH BOUNDARY.

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, upon the application by the property owner Pricilla Lampley, have determined that the annexation of the property described herein, is in the best present and future interest of the property owner and the City of Fairview, Tennessee; and

WHEREAS, a public hearing before the Board of Commissioners of the City of Fairview, Tennessee was held on the 16th day of July, 2015, in accordance with Resolution No. 16-15 passed by the Board of Commissioners of the City of Fairview, Tennessee at the regular meeting held on June 4, 2015 and

WHEREAS, it appears to the Board of Commissioners of the City of Fairview, Tennessee that the owner of the property to be annexed by the City of Fairview, Tennessee has requested that the City of Fairview, Tennessee, annex the afore referenced property and that the annexed property be incorporated into the Corporate Boundaries of the City of Fairview, Tennessee, and that the territory herein described will be materially retarded and the safety and welfare of the inhabitants of both the City of Fairview, Tennessee and the inhabitants of the property to be annexed will be endangered if such territory is not annexed: and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and of the present and future interests of the City of Fairview, Tennessee as a whole; and

WHEREAS, the request for annexation of the Property Owner of all the property to be Annexed is timely and well taken.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FAIRVIEW, TENNESSEE, AS FOLLOWS;

PURSUANT TO THE AUTHORITY CONFERRED UPON THE CITY BY SECTION 6 – 51 – 102, TENNESSEE CODE ANNOTATED, ALL THE FOLLOWING DESCRIBED PROPERTY IS HEREBY ANNEXED INTO THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE AND INCORPORATED WITHIN THE CORPORATE BOUNDARIES THEREOF:

Williamson County, Fairview, Tennessee, Geological Listing of Assessment Roll **Map 022, Parcels 064.00 and 065.00**, ,Recorded in **Deed Book 6146, Pages 598 – 601**, Register's Office for Williamson County, Tennessee. The description of the property to be annexed excludes **Parcels 063.00 and 066.00** from the deed afore referenced. The description contained in **Deed Book 6146, Pages 598 – 601**, Register's Office for Williamson County, Tennessee (excluding) **Parcels 063.00 and 066.00** is hereby Incorporated into and Made a part of This Ordinance by reference as fully as if copied into This ordinance verbatim.

SUBJECT TO Governmental zoning and subdivision ordinances or regulations in effect thereon.

BE IT FURTHER ORDAINED, that residents of and persons owning property in the above-described territory shall be entitled to all the rights and privileges of citizenship in accordance with the provisions of the Charter of the City of Fairview, Tennessee, immediately upon annexation as though the above-described territory annexed has always been part of said City of Fairview, Tennessee.

BE IT FINALLY ORDAINED, That this Ordinance shall take effect thirty (30) days from and after its final passage, or as otherwise provided by the provisions of **T.C.A. 6-51-102**, the public welfare requiring it.

MAYOR

CITY RECORDER

Approved as to form:

City Attorney

Passed first reading: _____, 2015

Passed second reading: _____, 2015

Public Hearing Held on: _____, 2015

City of Fairview

7100 CITY CENTER CIRCLE
P.O. BOX 69
FAIRVIEW, TN 37062



Phone: 615-799-1585
Fax: 615-799-5599
Email: codes@fairview-tn.org

ANNEXATION REQUEST FORM

DATE: 4/17/2015

APPLICANT NAME: Pricilla Lampley

ADDRESS: _____
STREET CITY STATE ZIP CODE

PROPERTY ADDRESS: Horn Tavern Road
STREET

MAP #: 022 GROUP #: _____ PARCEL #: 06400, 06500

AUTHORIZED AGENT NAME: _____

SIGNATURE OF AUTHORIZED AGENT: _____

- DOES THIS PROPERTY ABUT CITY PROPERTY YES NO
- IS CITY WATER AND SEWER AVAILABLE YES NO

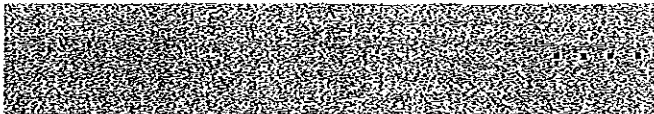
IF NO, GIVE BRIEF EXPLANATION: _____

I AM CURRENTLY THE OWNER OF THE CAPTIONED PROPERTY AND WISH TO APPLY FOR ANNEXATION INTO THE CITY OF FAIRVIEW. THE INTENDED USE OF THE PROPERTY IS FOR, _____

Residential Neighborhood Single Family Homes

OWNER SIGNATURE: Pricilla Lampley
(Walter F. McIntyre Estate)
(PLEASE ATTACH LEGAL DESCRIPTION AND COPY OF DEED)

THERE WILL BE A FEE OF \$100.00 REQUIRED.
DATE FEE PAID: _____



City of Fairview

7100 CITY CENTER WAY

FAIRVIEW, TN. 37062



Phone: 615-799-1585

Email: codes@fairview-tn.org

RECOMMENDATIONS

2015 - 2

DATE: May 12, 2015

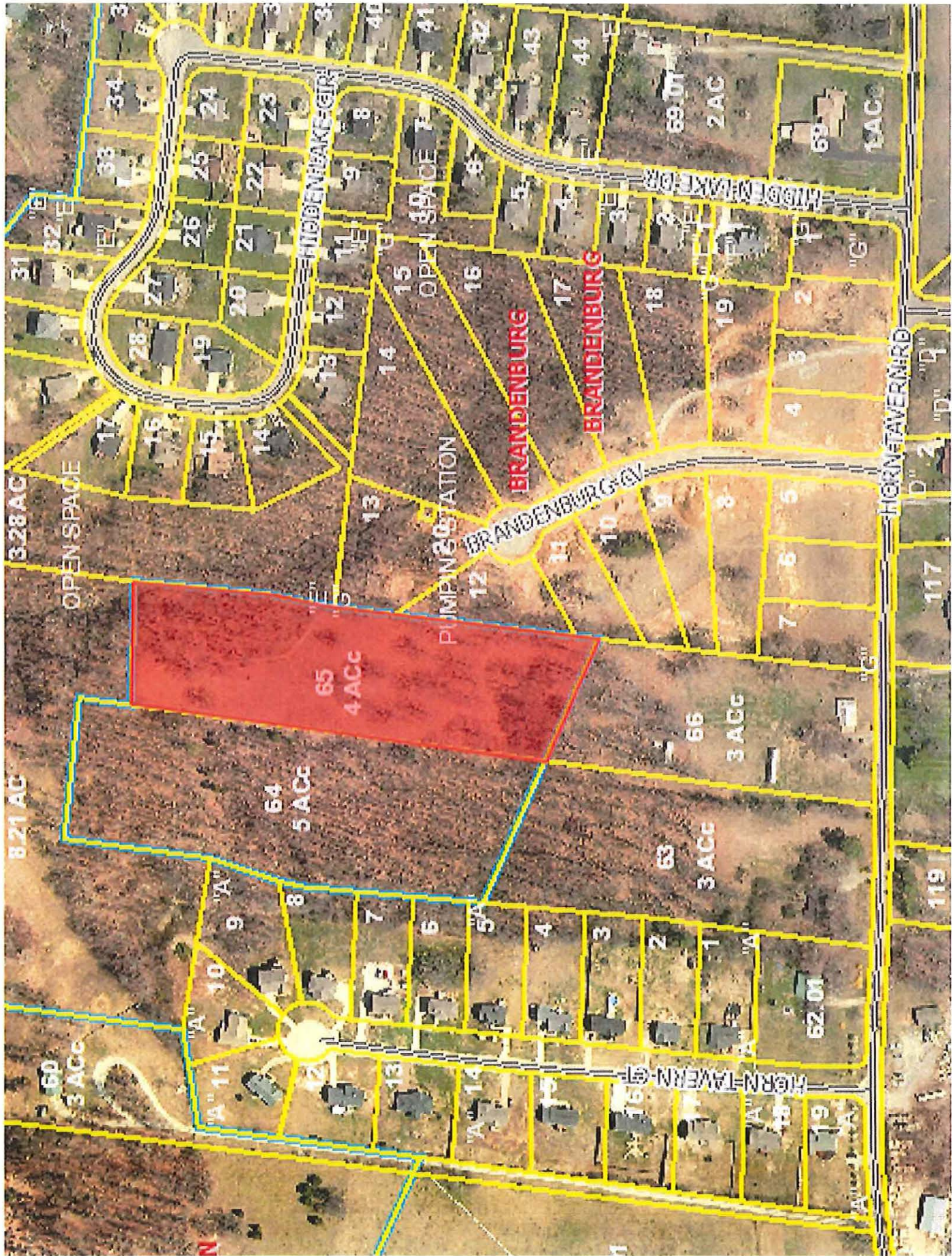
TO: FAIRVIEW BOARD OF COMMISSIONERS

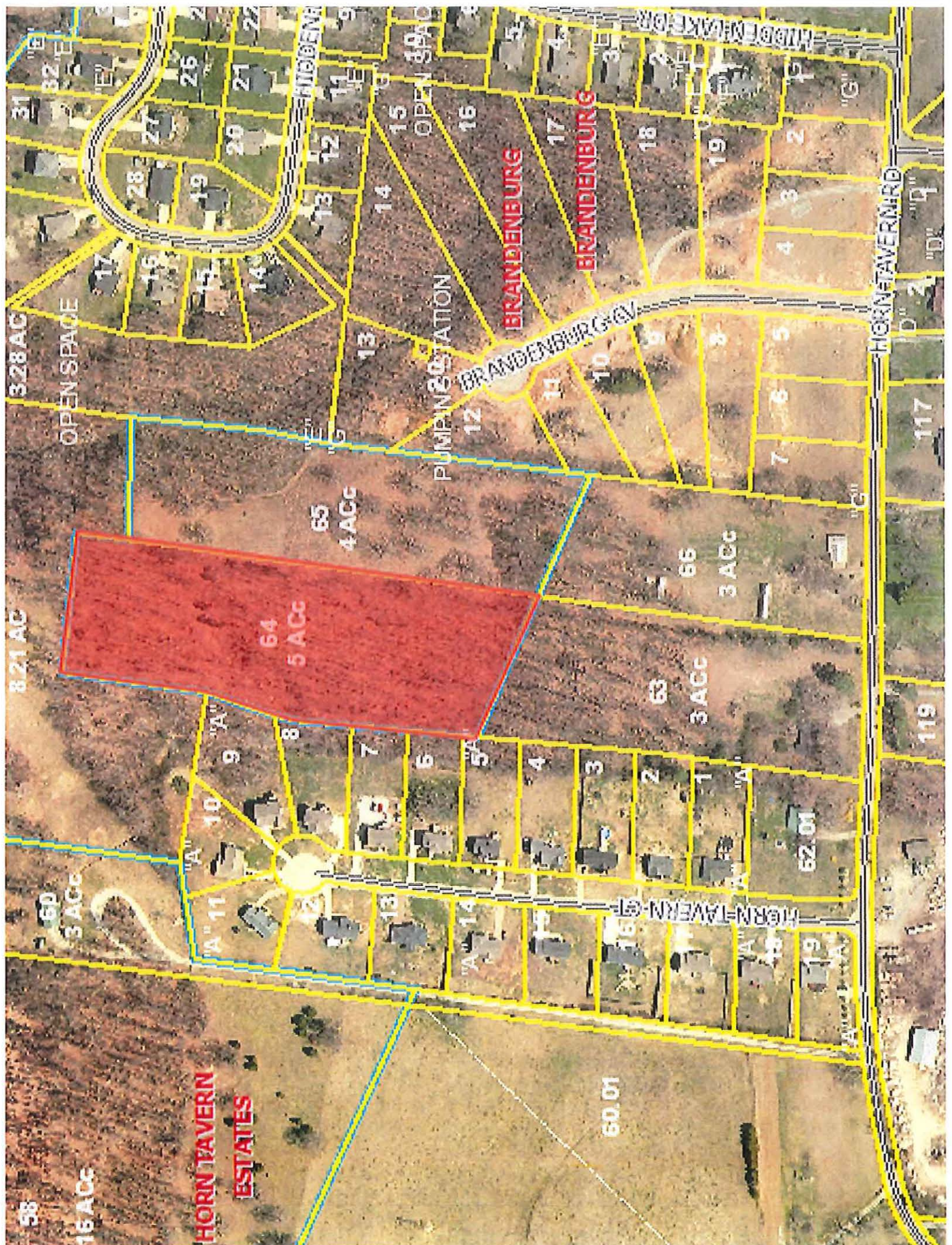
FROM: FAIRVIEW MUNICIPAL PLANNING COMMISSION

On May 12, 2015 the following items were voted on by the Fairview Municipal Planning Commission with a recommendation to be forwarded to the Board of Commissioners for consideration.

- 7.1 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION WITH PRELIMINARY MASTER DEVELOPMENT PLAN FOR PROPERTY LOCATED ON COX PIKE. MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. FROM RS-40 (RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) WITH A BASE DENSITY OF RS-15. DENNY, PROCTOR, AND WELCH, OWNERS.
This application was recommended for denial by the Planning Commission. Applicant is appealing to the Board of Commissioners.

- 8.2 DISCUSS AND/OR TAKE ACTION ON ANNEXATION REQUEST FOR PROPERTIES LOCATED ON HORN TAVERN ROAD. MAP 22, PARCELS 64.00 AND 65.00, 9 ACRES. PRISCILLA LAMPLEY, OWNER.
Sutton made a motion for approval. Butler Seconded. All were in favor





**HORN TAVERN
ESTATES**

BRANDENBURG

BRANDENBURG

PUMPING STATION

BRANDENBURG AV

HORN TAVERN RD

328 AC
OPEN SPACE

8.21 AC

64
5 ACC

65
4 ACC

66
3 ACC

63
3 ACC

60
3 ACC

62.01

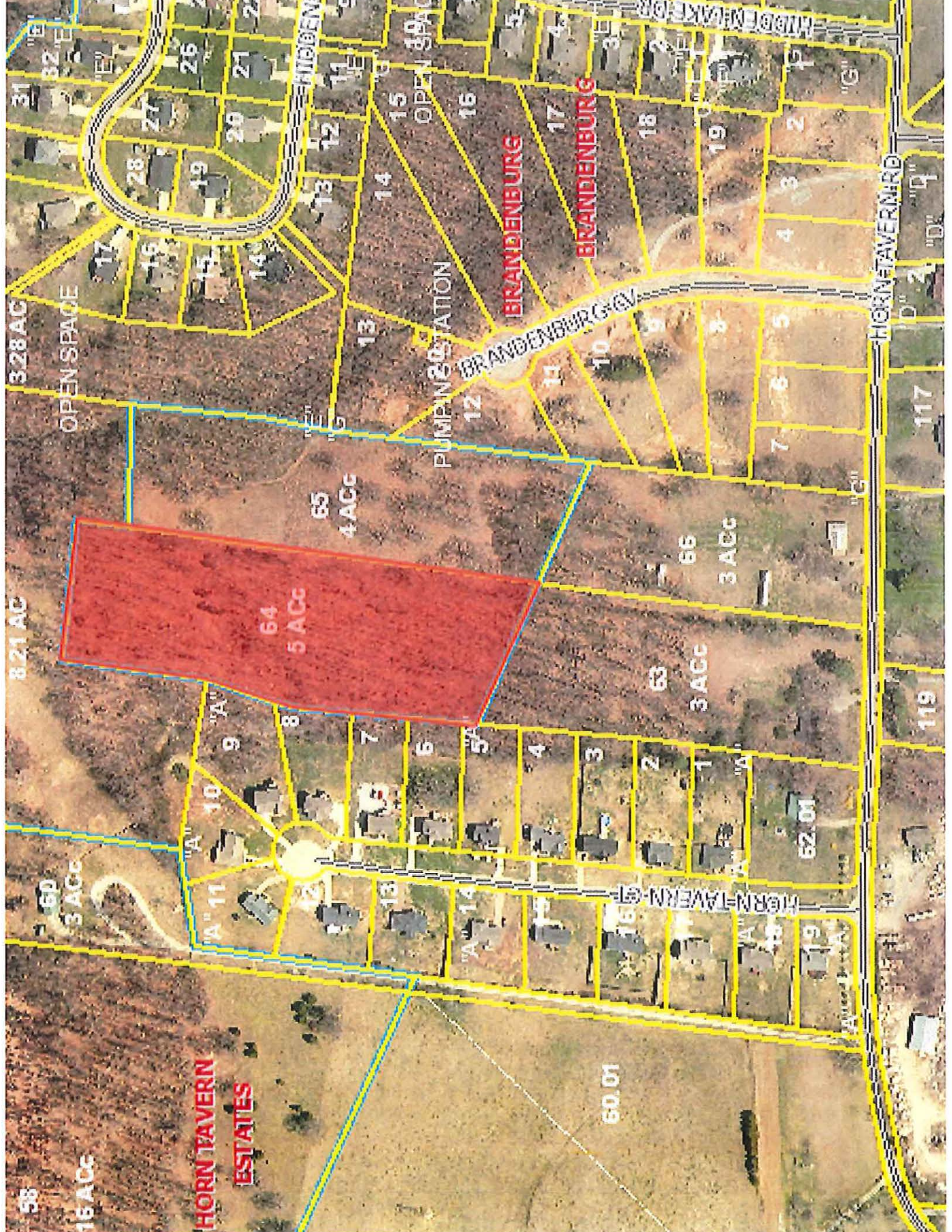
60.01

16 ACC

58

117

119



City of Fairview

7100 City Center Way
Fairview, TN 37062



Phone: 615-387-6086

Fax: 615-799-1383

Email: recorder@fairview-tn.org

10 B

-
1. Planning Commission (1 seat)
 - A. Mitch Dowdy (current)
 - B. Jake Blied
 2. Industrial Development Board (1 seat)
 - A. John Hall (current)
 - B. Scott Tucker
 3. Beer Board (1 seat)
 - A. Richard Biggs, Jr. (current)
 4. Board of Zoning Appeals (1 seat) – NO APPLICATIONS RECEIVED
 5. Board of Adjustments & Appeals (3 seats)
 - A. James Beata (current)
 - B. Lacy Chivers (current)
 - C. Wayne Lowman (current)
 6. Tree Board (2 seats)
 - A. Jane Woodall (current)
 - B. Jack Cannon (current)
 - C. Ron Rowe
 - D. Brandon Butler
 7. Park Board (1 seat) – confirmation of recommendation from Friends of Bowie Park:
nomination Richard Edmonson

CITY OF FAIRVIEW

**MUNICIPAL PLANNING COMMISSION
APPLICATION**

- The Municipal Planning Commission for the city of Fairview consists of nine (9) members.
- All members of the planning commission serve with compensation of \$100.00 for each regularly scheduled meeting.
- The members are selected by the board by majority vote with each commissioner having one vote.
- The terms of members shall be for three (3) years.
- The planning commission meets the second Tuesday of each month at 7:00 p.m. at city hall.
- Applicants must attach proof of City of Fairview residency and voter registration.


Community involvement or any information you would like to share with the Board:

- CURRENT MEMBER OF FAIRVIEW "INDUSTRIAL BOARD"
- CURRENT MEMBER OF FAIRVIEW "CODES REVIEW BOARD"
- ACTIVE "HABITAT FOR HUMANITY" VOLUNTEER (2X/WEEK)
- ACTIVE "REBUILDING NASHVILLE" VOLUNTEER (2X/MONTH)

Name: JAKE BLISK

Address: _____ Telephone: _____

E-mail: _____ Cell: _____

Signature:  Date/Time: 4/24/15 8:35 AM

Any and all applications that are not complete to include documentation of residency in the City of Fairview, Tennessee, signed, dated and the time the application is filed with the city below his or her signature and proof of voter registration will not be considered for appointment to any board or commission by the Board of Commissioners.

CITY OF FAIRVIEW

INDUSTRIAL DEVELOPMENT BOARD APPLICATION

- The Industrial Development Board for the City of Fairview consists of seven (7) members.
- All members of the Industrial Board serve without compensation.
- The members are selected by the Board of Commissioners.
- Term of office is three (3) years.
- The Industrial Board meets on an "as needed basis" at 7:00 pm at City Hall.
- Please attach proof of city residency and voter registration.

Community involvement or any information you would like to share with the Board:

I have always tried to give back to
the community in which I have lived. Some
of the organizations that I have joined for this
purpose are:

American Petroleum Institute, San Joaquin Chapter
Bakersfield Chamber of Commerce

Nashville Chamber of Commerce

Jacksonville Chamber of Commerce

Florida Manufacturers Association

North East Florida Manufacturers Association

All of which I was either an officer or committee
member. Although I am now retired I still feel
that I need to make a commitment to the betterment
of my community.

Name: Scott Tucker

Date: 5/21/2015

Address: _____ Telephone: _____

**CITY OF FAIRVIEW
TREE COMMISSION
APPLICATION**

- The Tree Commission for the City of Fairview consists of seven (7) members.
- All members of the Tree Commission serve without compensation.
- Four members will be appointed by the Mayor with approval of the Board of Commissioners. One shall be a local contractor/developer.
- The Mayor, Vice-Mayor and Planning Commission Chairperson shall serve as the other three members.
- The Tree Commission meets the first Tuesday of each month at 7:00 p.m. at City Hall.
- Term of office is three (3) years.
- Please attach proof of city residency and voter registration.

Community involvement or any information you would like to share with the Board:

PAST MEMBER OF FAIRVIEW PLANNING COMMISSION
CURRENT MEMBER AND CHAIRMAN FAIRVIEW PARK COMMISSION
HAVE ATTENDED 5 TREE COMMISSION MEETINGS IN LAST 12 MONTHS
HAVE ATTENDED TENNESSEE GREENWAYS & TRAILS CONFERENCE 2015
I AM OBJECTIVE, OPEN MINDED, TEAM PLAYER, LISTENS
TO ALL FACTS AVAILABLE BEFORE MAKING A RECOMMENDATION.

DOCUMENTATION OF RESIDENCY AND PROOF OF VOTER REGISTRATION
ON FILE WITH THE CITY

Name: RON FOWE

Address: _____ Telephone: _____

E-mail: _____ Cell: _____

Signature:  Date/Time: MAY 25, 2015 11:00 AM

Any and all applications that are not complete to include documentation of residency in the City of Fairview, Tennessee, signed, dated and the time the application is filed with the city below his or her signature and proof of voter registration will not be considered for appointment to any board or commission by the Board of Commissioners.

CITY OF FAIRVIEW
TREE COMMISSION
APPLICATION

- The Tree Commission for the City of Fairview consists of seven (7) members.
- All members of the Tree Commission serve without compensation.
- Four members will be appointed by the Mayor with approval of the Board of Commissioners. One shall be a local contractor/developer.
- The Mayor, Vice-Mayor and Planning Commission Chairperson shall serve as the other three members.
- The Tree Commission meets the first Tuesday of each month at 7:00 p.m. at City Hall.
- Term of office is three (3) years.
- Please attach proof of city residency and voter registration.

Community involvement or any information you would like to share with the Board:

_____ To Whom It May Concern:

_____ I have thoroughly enjoyed my time serving on the Planning Commission and Park
_____ Board for the City of Fairview. I would like to continue to be involved and helping
_____ in any way that I can. Please accept this application for the Tree Commission. My
_____ current position and previous experience working for a general contractor and
_____ developer on a large scale, has allowed me experiences that I believe could be
_____ beneficial to the tree board.

_____ Thank you for your consideration.

_____ Brandon Butler

_____ *BB*

Name: Brandon Butler

Address: _____ Telephone: _____

E-mail: _____ Cell: " " "

Signature: *BB* Date/Time: 5/26/15 8:00pm

Any and all applications that are not complete to include documentation of residency in the City of Fairview, Tennessee, signed, dated and the time the application is filed with the city below his or her signature and proof of voter registration will not be considered for appointment to any board or commission by the Board of Commissioners.

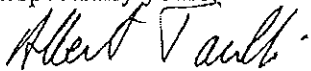
May 26, 2015

Friends of Bowie Nature Park

Board of Commissioners City of Fairview TN:

The Friends of Bowie Nature Park organization is recommending to the BOC, Mr. Richard Edmondson as our representative to the Park Commission for a new term when his current term expires in August of this year.

Respectfully yours,

A handwritten signature in cursive script that reads "Albert Tarolli".

Albert Tarolli
President - Friends of Bowie Nature Park

10 C

28 MAY 2015

Frank Humber
Director, Planning Department
City of Fairview

DELIVERED BY HAND

Dear Mr Humber,

I am submitting this letter **to appeal the recent decision by the Planning Commission to turn down my request for a rezoning of the 32 acres on Cox Pike as a single PUD (M43, P 30.01 & 31.0)**. This took place on Tuesday evening, May 12th, and was the third meeting in as many months involving this particular issue.

Specifically, I have been given no clear instructions from the Planning Commission after three meetings. I am trying to develop this subdivision to the urban standard requested: a full curb and gutter neighborhood, sidewalks to either side, with street lamps, with a fully approved and operable on-site sewer system, with a self-governing HOA, and with more than 50% open space dedicated to these ends: all at entry level price points of \$225,000.

Generally, I don't think the PC feels comfortable with changes that will radically reduce the size of the lots to 5,000 SF 50'x100' parcels, nor with 5' side yards. A PUD density in line with 2.9 units/acre was not an issue in the first meeting, and I think it would have been approved had I not voluntarily deferred the issue while the PC attempted to grapple with the STEP system format itself. I cannot preserve the land necessary for both the primary and secondary drip fields without limiting my lots to the 12.5 acres outlined in this plan. I need to cluster the homes in such a way that I can deliver significantly better homes to the market at affordable prices, while transforming the six acres of drip fields into a natural habitat with the natural terrain patterns undisturbed: there's no value in small, fenced-in backyards. The value comes from the enhanced 20 acres that will be common to everyone. I broke new ground with Watkins Creek. I'll do the same here.

Sincerely,

T A Smythe, developer

April 2015

**APPLICATION BEFORE THE BOARD OF COMMISSIONERS, FAIRVIEW TN
ZONING VARIANCE (RS40 TO PUD) - REVISED CONCEPT PLAN APPROVAL**

RE: Cox Pike Development, 32 acres, M43 Parcels 30.01 & 31.0

- 1) PUD VARIANCE** applicable to future contiguous parcels added to HOA
- 2) CONCEPT PLAN** included, subject to sewer and topo adaptations.

Initial Density of 93 lots [2.90 per acre]. Revision based on R15 Density of 2.93u/ac

REASONS:

- 1) THIS SITE IS A TYPICAL "TABLETOP" site with a relatively flat and buildable plateau that falls off quickly to either side into steep slopes that are un-buildable.
- 2) THE INTENTION IS TO CREATE A NEW URBAN STANDARD, with affordable homes priced \$225,000-\$275,000 with sidewalks to either side, a tree lined streetscape, a workable amenity center, and a self-governing HOA. This requires small lots roughly sized 50' x 100' with 5' side yards, a front setback of 20,' and a rear setback of 15'. Houses would range from 1800-2500 SF, 3BR 2BA, with a 2-car front-loaded garage. This is typical for neighborhoods seeking to lower all the associated development costs in an effort to build attractive entry-level to mid-level housing. In Nolensville, Williamson, *Bent Creek* is presently building to this same smaller lot design format.
- 3) EXISTING NEW HOME SALES COMPS price @ \$130 psf compared to \$150+ psf elsewhere throughout Williamson County. This makes cost efficient construction difficult for builders working in this area at this time. Smaller lots at a higher density with attractive urban design features will help to lift these comps into the mainstream.
- 4) ON-SITE STEP SEWER SYSTEMS are expensive additional requirements that make efficient neighborhood designs difficult throughout the Fairview market. The development team on this project hopes to standardize more efficient installations of these systems to minimize the cost impact and increase the efficiency in ways that ideally suit the topography of Fairview.

We hope to work carefully and thoughtfully with the Planning Commission, the Dickson sewer/water authority, and with the State's environmental authority TDEC to establish templates for future developments dealing with these same challenges.

Sincerely,

Tom Smythe, *developer*
615 300-0438

April 2015

**COX PIKE DEVELOPMENT PROPOSAL
APPLICATION FOR PUD APPROVAL ON 32 ACRES, MAP 43 FAIRVIEW**

ATTACHED: REVISED CONCEPT PLAN FOR 93 LOTS (P 30.01 + 31.00)

RESPONSES: ARTICLE VIII PAR 8-201.1

1. Please see cover letter explaining the reason for seeking a PUD designation in detail; the governing concern being rough topography, a sophisticated urban design format, on-site sewer, and a self-governed HOA residential development.

2a/i. Location. M43, Parcels 30.1 (8.58 ac) and 31 (23.61 ac) = 32.19*acres. This land is located off Cox Pike, midway between Northwest hwy on the east and Dice Lampley on the west; it has approximately 540' of road frontage and falls to the south from a curb elevation of 880' to an elevation of 815' at its southern tip. It is a tabletop plateau that falls steeply off the ridge-top to both the east and the west. [*These numbers are taken from the new boundary survey defined by the contract of sale].

2a/ii. Transportation. As an "urban design" concept the main roads would be curbed and guttered, including sidewalks 5'-wide to either side with a 50' ROW including streets 24' paved and curbed, with outside sidewalks and a planted 8-wide strip which can be utilized for the on-site septic tanks placed underground to allow for easy service from the street, and with landscaping inter-spaced with street lamps for a tree-lined corridor effect. *The originally proposed Amenity Center has been removed from this concept plan based on the loss of more than thirty lots given the lower density equation.* There will be resident parking in the garages attached to the homes. Most trees will be removed, and new indigenous plantings installed to both absorb the treated and filtered discharge in the existing drainage area, and to enhance the vistas provided by the cascading topography to the rear of most homes.

2a/iii. Structures. The Concept Plan calls for 93 residential lots, 50' x 100' (5,000 SF), with 20' front setbacks, 15' rear setbacks, and 5' side yard setbacks. The single family homes will range in size from 1800 sf to 2400 sf, 3BR 2.5BA with a 2-car attached garage facing the street. Structures should be under 24' in height, with 10' ceilings on the main floor. Prices should range from \$200,000 to \$250,000, average 2000-2200 SF, and sit on a building pad of 40' x 65' [52% maximum coverage for the structure]. Everything intended depends on accumulated costs: the higher the density the lower the cost, with the primary unknown being the on-site sewer demands included in final approvals. We have grouped twelve larger lots outside the roundabout for larger homes.

2aiv. Population. The governing assumption would be 2 adults and 2 children per home, so a total of 372 residents and presumably 2 cars per household, 186 cars. Please note that a turn lane has been added to the length of the frontage on Cox Pike, and a traffic study has been ordered. Additionally, the road itself is anchored by a roundabout to encourage a free flow of traffic and a variety of integrated walking routes tying the neighborhood together. **Another development is scheduled immediately across the street, involving another 40 acres, so it's assumed that both developments could share the long-term costs of widening Cox Road with the envisioned turn lane centered between them.**

2av. Open space. 66%

The lots themselves are a total of approximately 11 acres = 34% (each lot's building pad averaging a coverage ratio of 50% or less). That leaves 21 ac of open space: 3 ac for roads and sidewalks within the 50' ROW [2500 lf x 50'] = 10%; another 15 acres of cascading topography landscaped as open vistas = 47%; and 3 acres of level land at the entrance for potential complementary uses.

2avi. Landscaping. These will not be large lawnscape front yards. The garage aprons facing the street will encompass the full front-yard setback for half the lot, so the emphasis will be on blooming shrubs and a tree lined street in that 8' wide grass median on either side of the road. We hope to be able to attach two homes to one septic tank at the boundary of every other lot, so we can maximize the tree dispersment with street lamps at appropriate 100' intervals. The wide open vistas behind the homes will allow for creative plantings of indigenous clusters that add depth, color, and seasonal flowering to the picturesque setting. Specific plantings like river Birch and Willows can enhance the drip drainage patterns, given their prodigious year-round preference for wet soils.

2avii. Sewer. This is the overriding issue that dominates costs and utility throughout the design plan. We have designed the road system so that gray water effluent can be easily channeled downhill, then treated with the STEP sandbox format, including ultra-violet exposure to eliminate all e-coli and make the water pottable (drinkable). Since the topography doesn't comfortably allow for on-site disposal, we will be seeking a discharge permit that will allow us to bank the treated water for landscape use, and to discharge any residual water into the existing drainage patterns that feed into the blue lines already flowing year round beneath the site to the east. TDEC will have to approve this approach, a readily utilized approach throughout the country at large. We think this precedent ideally suits the watershed drainage and table top plateau development that inevitably must define Fairview's future growth.

2aviii. Commons Use. As explained, we've had to drop plans for an Amenity Center. We will develop the sidewalks and roadways to enhance neighborly walking patterns throughout the subdivision. Ultimately, enhancements are dependent upon costs, especially the uncosted impact of the onsite treatment center finally approved.

2aix. Deeds, Contracts. (Exhibit A)

2ax/2axi NA/On-Site Treatment Center. TDEC will want the on-site treatment center situated, installed, and tested before construction begins on the homes themselves. This is essentially a below-grade installation, not an above ground structure. The Revised Concept Plan shows the treatment center itself at the southern end of the subdivision, allowing all the grey water to flow downhill with the ROW to the point of treatment. The discharge drip lines are within the existing drainage patterns to the east of the build-out.

2b. Density. This REVISED PUD with 93 lots equals 3.90 per acre, in line with the density of an RS15 designation. The PUD, however, would create urban 5,000 SF lots conforming to 50% or less coverage requirements. This format is typical for what have been called “urban neighborhood design” formats. The urban overlay in Franklin, for instance, is 6 units per acre for single family homes. As stated in the cover, we believe we are adapting reasonable and conventional development patterns to the topography and location at hand. These are the same size lots, with the same setback requirements, that define the Bent Creek subdivision in Nolensville, where even today some ten years later the homes are priced in that critical \$250,000 range that conforms to affordable price points in Williamson County. This price point is essential to the growth of Fairview.

2c. Concurrence Letter. (Exhibit B)

2d. HOA Format. In keeping with the disproportionate open space, common area amenities, and neighborhood design format we would be submitting a standard set of Codes Covenants and Restrictions used throughout the market, idealling self-governed by the residents themselves once the buildout is complete. Utilities are usually run through the front yards, and the sewer/water authority will want open easement access to any and all aspects of the on-site installations so they can work unimpeded through any feasible emergency. Drainage is easily handled given the extant channels throughout the watershed, and the plateau provides space sufficient to grading a normal ROW with standard inverts that easily channel in turn to the extant runoff channels, including detention/reservoir facilities that can be overlaid to augment those same patterns.

2e. Phases. Note that the unique “roundabout” included in the road layout conveniently allows the subdivision to be developed in two separate phases, with Phase I moving from the entrance fork to the roundabout itself and Phase II moving southward toward somewhat larger lots. This phasing would save the best vistas for the final marketing of the subdivision and allow us to lift price points as the markets allow to encourage further construction at higher price points more in line with Williamson County comparables.

[see attached Exhibits]

City of Fairview

7100 CITY CENTER WAY
FAIRVIEW, TN. 37062



Phone: 615-799-1585
Email: codes@fairview-tn.org

Municipal Planning Commission

Regular Meeting
May 12, 2015
7:00 p.m.

Lisa Anderson, Chairperson
Matt Beata, Vice Chairman
Brandon Butler 1st Secretary
Michael Mitchell, 2nd Secretary
Pattie Carroll, Mayor
Toney Sutton, Commissioner
Wayne Lowman
Tim Mangrum
Mitch Dowdy

Present: Anderson, Butler, Carroll, Sutton, Lowman, Mangrum, Dowdy

Absent: Beata, Mitchell

Others Present: City Manager Wayne Hall, Planning/Codes Director Frank Humber
City Attorney Larry Cantrell, Engineer Will Owen, Codes Clerk Sharon Hall

7.1 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION WITH PRELIMINARY MASTER DEVELOPMENT PLAN FOR PROPERTY LOCATED ON COX PIKE. MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. FROM RS-40 (RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) WITH A BASE DENSITY OF RS-15. DENNY, PROCTOR, AND WELCH, OWNERS.

Butler read Engineers report, which will become part of these minutes. Exhibit A. Mr. Smythe present to answer questions. Mangrum recused himself from voting, but will take part in the discussion. Sutton asks how he was going to remedy these problems from the Engineer. Smythe stated he has to get approval from the WADC for the placement of their onsite system. Smythe stated he has read through their eight pages of regulations and he has allocated land in accordance with their demand for the 5 & ½ acres of drip field. Smythe stated Mike Adams of WADC has assured him once he has a concept approval with the appropriate density, he will look at this. Humber stated is this enough information for them to make a recommendation to the BOC on his rezoning? Mangrum stated with a PUD rezoning this becomes his zoning. Humber stated so he will have to have a complete Master Plan before you recommend zoning, he thought what they wanted to do was to get

his rezoning to RS-15, is that not correct. Sutton stated as it was. Owen stated his understanding is the item that has been applied for is a rezoning to a residential planned unit development with an RS-15 base density. Owen stated an RS-15 zone is not allowed in your zoning ordinance as a standalone zone, as a free standing district; it has to have a RPUD overlay on top of it. Owen stated his understanding is the request to rezone which is accompanied by the preliminary master development plan. Owen stated shows the lot lay out, the streets, the open space and as Mr. Smythe stated the sanitary sewer provisions conceptually along with the narrative description requirements found in your zoning ordinance for a PUD and the information requirement for a request. Carrol asked what is presented will that meet the requirements for rezoning a PUD, you said there was a list of things. Owen stated he has provided a list of all the bulleted items requesting information for the proposed development, it is up to them if that response is adequate. Owen stated he would not have any reservations on moving forward subject to the final master development plan taking into account his comments in his Engineering report. Smythe stated he is just trying to get this approved so he can move forward. Cantrell stated he would suggest if they want to move forward with this has is to make it subject to the comments from our Engineers report and have exclusively that their recommendation is that no building permits for this be issued until he comes back in with his final, because his final in a PUD will be the zoning in that particular project. Carroll stated as a Board are they wanting to change the Land Use Map to meet this zone. Mangrum stated the problem is on a PUD the plat become part of the zoning. Humber stated RS-15 is required to be a PUD, he is submitting a PUD plan, he is asking for his property to be rezoned RS-15 with PUD, so the question is are you ready to make a recommendation to the BOC based on what he has submitted and in light of what Mr. Owen has said. Smythe stated Cox Pike is one of your main roads into town; he is working under the consumption that Fairview wants to attract homeowners in that \$250,000.00, 2,000 square foot midrange. Carroll stated she would be concerned about the traffic increase on Cox Pike. Smythe stated there was a traffic study being done and he looked at the traffic counts back fifteen years, traffic count today is averaging from 1,900 to 2,000 cars a day. Smythe stated back in 2006 average around 3,000, does not know why this number has went down. Smythe stated he does think that Cox Pike will need to be widen, he thinks the only way that can be widen is for developers to adjoin the cost. Anderson asks number five on the Engineers report how he feels about an alternate to that. Smythe stated that is fine, he had already agreed that they take them out of the public right of way, remember he said he would place them between the homes and they are not going to discharge directly into a blue line. Carroll asks in the description the discharges are going into a drip field, you originally said you were going to discharge in a creek and where is the creek. Smythe stated the creek was on adjoining property, the Tidwell's, they have decided they do not want this going into the creek. Sutton said if you could take it up to a RS-20 that would be a density of 2.2 instead of 2.9, roughly 60 or 70 homes on thirty-two acres. Sutton stated he would be a lot more comfortable with the RS-20 that the RS-15 in this area. Smythe stated one of the issues is cost, he originally asks for 120 lots now they are down to 93 lots. Sutton

stated he had been working with WADC, TDEK and they have looked at the cost efficiency, it is not efficient unless there it is under 50 homes. Sutton stated once you get above 50 homes, it becomes very cost efficient. Owen stated as far as he was concerned the three page narrative is revised to reflect the plan that is before you, he does not have any further issues with that, has been accomplished by Mr. Smythe, will become part of these minutes. Exhibit B. Owen stated if they desire more detail on any of those individual items that is certainly their prerogative at this stage. Owen stated there are some vested rights after this preliminary master plan approval that the developer would have. Owen stated anything that's ambiguous now or you don't feel comfortable with he would encourage them to make it very clear that they would like to evoke the privileges of his comment number 6, that says any specific items not discussed at the preliminary stage, you have the ability to revisit those items at the time the final master development plan is submitted. Owens stated if they choose to move forward be very specific as far as the, **Density, Lot Sizes, Building Setbacks, General lay out of the street & lot, required improvement in the proposed open space.** Carroll asks Smythe did he try to get water and sewer with WADC. Smythe state yes they said don't have enough taps; will have to go with the drip system, just waiting on our approval to take to WADC. Cantrell stated he would suggest that their recommendation also have the minutes attached to it so when the BOC gets the recommendation, they will have a chance to read it. Anderson stated she thinks they need to decide if they can accept the density and the lot size because she thinks that is where they are all stuck on making a decision. Sutton made a motion to move forward for discussion the lot size of RS-15 with the five recommendations of the Board that they be satisfied plus the six comments from the Engineers report to be satisfied. Carroll Seconded for discussion, r, with clarification that it will be approved for the RS-15 with the six recommendations from the Engineer and the five points discussed with clarification that the open space can be reviewed when a final plan is brought in. Sutton said he is still more comfortable with the RS-20 than the RS-15. Dowdy stated he wished we would have decided that before instead of give Mr. Smythe the run around. Dowdy stated need the houses that range around the \$250,000.00 range, you want to widen Cox Pike this is the way to get it started. Sutton amended his motion for recommendation to the Board of Commissioners to included items 1-6 of Engineers report (attached) and the 5 items 1) density, 2) lot sizes, 3) building setbacks, 4) general lay out of the street & lot, 5) required improvements in the proposed open space) for discussion, leaving as RS-15. Hall stated these amendments that you are making will become part of the PUD , that is correct Mr. Owen? Owen stated if there is specific amendments required per you recommendation then the BOC can choose to heed those recommendations and require that or they can say no they are happy the way it was originally submitted. Owen stated if they recall the March meeting was the initial submittal for a PUD 125 lots, at that stage it was their opinion that it was too many lots on 32 acres. Owen stated it was vaguely discussed that it would be a higher comfort level with an RS-15 verses 125 lots. Owen stated on the April meeting and the revised conceptual plan was submitted the Friday before your Tuesday Planning Commission meeting, was not in your packets, and believes it was handed out at the meeting. Owen stated he

believes that is why this has been going on for three months. Owen stated he would certainly suggest that they don't defer anymore. Mangrum stated he believes the biggest hurdle looking at these lots they really got RS-5, because only 5,000 square feet. Owen stated that is correct the density is RS-15; the PUD overlay is a base density of RS-15. Owen stated Mr. Mangrum is correct the actual lot size is a RS-5. Carroll Seconded. Vote was taken. Mangrum recused himself from voting, Beata & Mitchell absent.

For

Against

Dowdy
Lowman
Carroll
Anderson
Butler
Sutton

Motion denied.

**CITY OF FAIRVIEW
MUNICIPAL PLANNING COMMISSION
REGULAR MEETING
MAY 12, 2015**

ENGINEERING REPORT

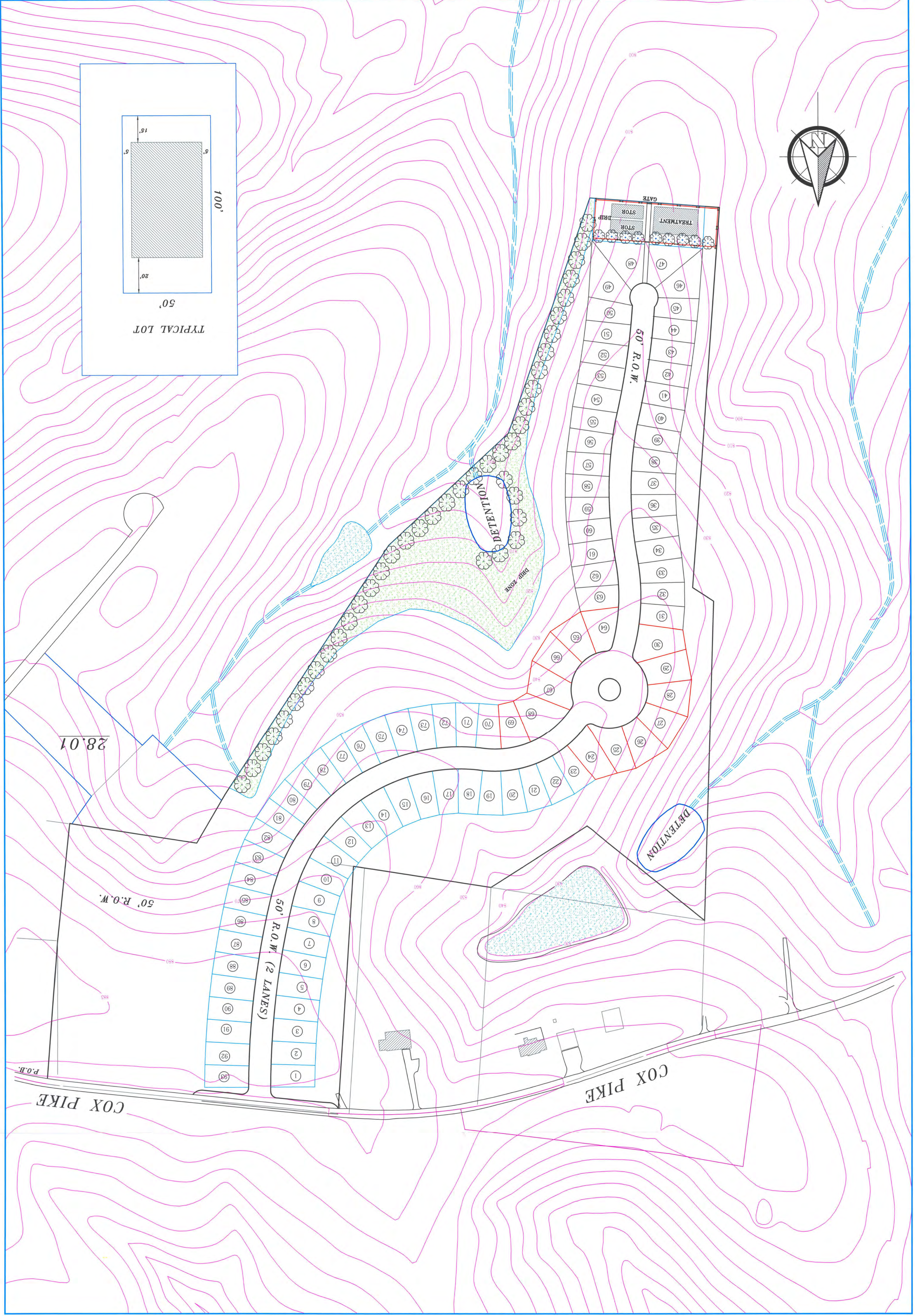
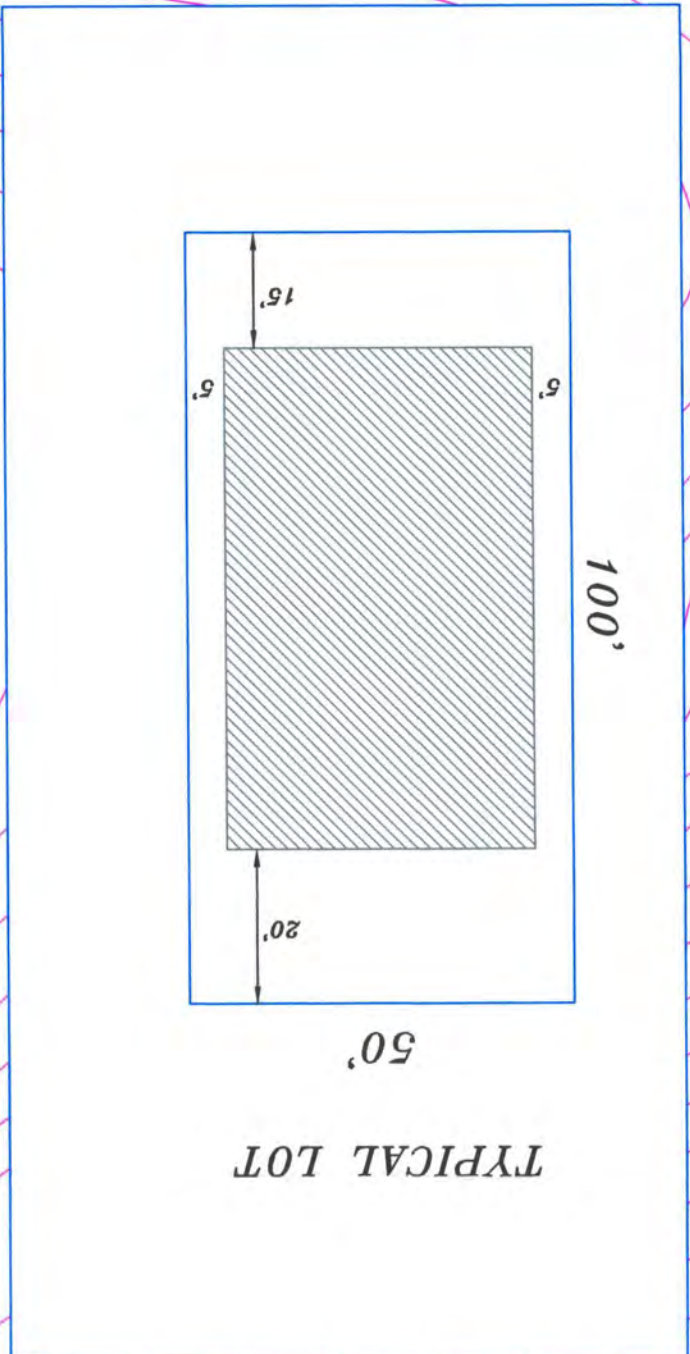
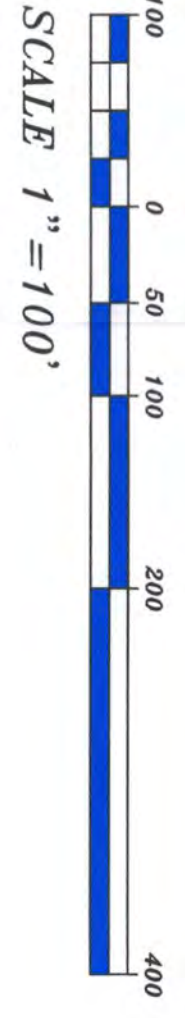
7. OLD BUSINESS

ITEM 7.1 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION WITH PRELIMINARY MASTER DEVELOPMENT PLAN FOR PROPERTY LOCATED ON COX PIKE. MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. FROM RS-40 (RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) WITH A BASE DENSITY OF RS-15. DENNY, PROCTOR, AND WELCH, OWNERS.

- 1) It is important to note that the Concept Plan that is being submitted as a part of the rezoning application does not include detailed engineering design for the proposed roads, drainage, or grading. All proposed roadways, drainage components, and grading will be required to meet all City of Fairview standards at the time those detailed plans are submitted for review. The detailed engineered design for the site may warrant the necessity to alter the layout of the concept plan in order for the site to be compliant with all technical design standards for roadways, drainage and grading.
- 2) A traffic study will be required to determine the impact the proposed development will have on the existing roads in the area. Improvements to the existing roads that are recommended in the traffic study will be required to be constructed by the developer/applicant.
- 3) It is recommended that proposed driveway widths be a minimum of 20' wide.
- 4) Please note that the layout of the submitted conceptual plan is wholly dependent on the applicant receiving TDEC approval for the proposed decentralized sanitary sewer treatment and disposal system.
- 5) It is recommended that septic tanks not be located in the public R.O.W. as outlined in section 2a/ii of the descriptive narrative provided with the rezoning request application.
- 6) It is also important to note that if the proposed RPUD rezoning and associated Preliminary Master Development Plan is approved by the BOC, the Planning Commission will have authority to review the final Master Development Plan and require any and all changes to the final plan that ensures compliance with all other standards for development that were not considered when the preliminary plan was approved.

REVISED CONCEPT PLAN: COX PIKE PUD DEVELOPMENT

GRAPHIC SCALE:



DATE	DESCRIPTION	NO. OF LOTS	ORG
2-14-15	DRAFT CONCEPT PLANS:	125 LOTS	1
2-24-15	INITIAL SUBMITTAL:	125 LOTS	1
3-27-15	DRAFT REVISED PLANS:	93 LOTS	2
4-16-15	REVISED SUBMITTAL:	93 LOTS	3

CITY OF FAIRVIEW, TENNESSEE

10 D

RESOLUTION NO. 16-15

A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON THE ANNEXATION OF CERTAIN PROPERTY, LOCATED ON HORN TAVERN ROAD, HEREIN DESCRIBED BELOW AND TO INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE. ALL THE PROPERTY PROPOSED FOR ANNEXATION LIES WITHIN THE CITY OF FAIRVIEW, TENNESSEE'S GROWTH BOUNDARY. THE PROPERTY TO BE ANNEXED IS LOCATED IN WILLIAMSON COUNTY, TENNESSEE, CITY OF FAIRVIEW, TENNESSEE, GROWTH BOUNDARY, GEOLOGICAL LISTING OF ASSESSMENT ROLL MAP 022, PARCELS 064.00 AND 065.00, BELONGING TO PRICILLA LAMPLEY.

WHEREAS, The City of Fairview, Tennessee is in the process of Annexing into the Corporate Boundaries Certain Property herein described and the Statutes of the State of Tennessee require that a public hearing be held for the purpose of obtaining the public's comments regarding the proposed annexation and,

WHEREAS, the Board of Commissioners for the City of Fairview, Tennessee have determined that July 16, 2015, is an acceptable date for the conduct of such a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE.

1. That a public hearing for the purpose of obtaining the comments of the public regarding the Annexation of the below described property into the Corporate Limits of the City of Fairview, Tennessee is scheduled and will be held at 7:00 O'Clock P.M., July 16, 2015 in the City Hall of the City of Fairview, Tennessee.

The Property to be Annexed upon which public comment is sought is the property of Pricilla Lampley and is described as follows:

Williamson County, Fairview, Tennessee, Geological Listing of Assessment Roll Map 022, Parcels 064.00 and 065.00, Recorded in Deed Book 6146, Pages 598 – 601, Register's Office for Williamson County, Tennessee. The description of the property to be annexed excludes Parcels 063.00 and 066.00 from the deed afore referenced.

The description contained in **Deed Book 6146, Pages 598 – 601**, Register's Office for Williamson County, Tennessee (excluding) **Parcels 063.00 and 066.00** is hereby Incorporated into and made a part of This Ordinance by reference as fully as if copied into This ordinance verbatim.

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

10E

Bill # 2015-24

ORDINANCE NO. 889

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE V, "RESIDENTIAL DISTRICT REGULATIONS," SECTION 5-104, "SUPPLEMENTAL DESIGN PROVISIONS," 5-104.1, "DEVELOPMENT STANDARDS FOR MULTI-FAMILY DWELLINGS," PARAGRAPH 4iii.

Be it Ordained by the City of Fairview, Tennessee as follows:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the City of Fairview, Tennessee, needs to amend the City of Fairview, Tennessee Municipal Zoning Code, Article V, "Residential District Regulations," Section 5-104, "Supplemental Design Provisions," 5-104.1, "Development Standards for Multi-Family Dwellings," Paragraph 4iii.

Therefore, Be it Ordained by the City of Fairview, Tennessee as follows:

Fairview, Tennessee, Tennessee Municipal Zoning Code, Article V, "Residential District Regulations," Section 5-104, "Supplemental Design Provisions," 5-104.1, "Development Standards for Multi-Family Dwellings," Paragraph 4iii. Is hereby repealed in its entirety and is hereby amended to read as follows:

iii. For developments not located within the Town Center Overlay District, club house facilities shall be provided by the developer and located within the development. Any development containing Fifty (50) units or more shall have a club house with a minimum floor area of two thousand (2,000) square feet, In developments containing two hundred (200) or more dwelling units, ten (10) square feet of additional floor area shall be provided for each unit in excess of two hundred (200) units.

BE IT FURTHER ORDAINED, that all the remaining provisions of the referenced articles remain as they are without any change and,

BE IT FURTHER ORDAINED, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

BE IT FINALLY ORDAINED, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it

Approved and recommended by the City of Fairview, Tennessee,
Municipal Planning Commission this _____ day of _____, 2015.

Planning Commission Chairman

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading _____

Passed Second Reading _____

Public Hearing Held _____

10F

CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 18-15

A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON AN ORDINANCE (BILL # 2015 – 24, ORDINANCE NO. 889) TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE V, “RESIDENTIAL DISTRICT REGULATIONS,” SECTION 5-104, “SUPPLEMENTAL DESIGN PROVISIONS,” 5-104.1, “DEVELOPMENT STANDARDS FOR MULTI-FAMILY DWELLINGS,” PARAGRAPH 4iii.

WHEREAS, The City of Fairview, Tennessee is in the process of Amending the City of Fairview, Tennessee Municipal Zoning Code, Article V, “Residential District Regulations,” Section 5-104, “Supplemental Design Provisions,” 5-104.1, “Development Standards for Multi-Family Dwellings,” Paragraph 4iii and the Statutes of the State of Tennessee require that a public hearing be held for the purpose of obtaining the public’s comments regarding the proposed annexation and,

WHEREAS, the Board of Commissioners for the City of Fairview, Tennessee have determined that July 16, 2015, is an acceptable date for the conduct of such a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE.

That a public hearing for the purpose of obtaining the comments of the public regarding the Annexation of the below described property into the Corporate Limits of the City of Fairview, Tennessee is scheduled and will be held at 7:00 O’Clock P.M., July 16, 2015 in the City Hall of the City of Fairview, Tennessee.

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

10 G

Bill # 2015-25

ORDINANCE NO. 890

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE VIII, "OVERLAY DISTRICTS," SECTION 8-203, "ADMINISTRATIVE PROCEDURE GOVERNING PLANNED UNIT DEVELOPMENTS," 8-203.3, "PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT," 8-203.3(4), "PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT," 8-203.3(6), "PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT," 8-203.3(8), "PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT,"

Be it Ordained by the City of Fairview, Tennessee as follows:

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee, have determined that the City of Fairview, Tennessee, needs to amend the City of Fairview, Tennessee Municipal Zoning Code, Article VIII, "Overlay Districts," Section 8-203, "Administrative Procedures Governing Planned Unit Developments," 8-203.3, "Preliminary Approval of the Proposed Planned Unit Development," "Administrative Procedures Governing Planned Unit Developments," 8-203.3(4), "Preliminary Approval of the Proposed Planned Unit Development," "Administrative Procedures Governing Planned Unit Developments," 8-203.3(6), "Preliminary Approval of the Proposed Planned Unit Development." "Administrative Procedures Governing Planned Unit Developments," 8-203.3(8), "Preliminary Approval of the Proposed Planned Unit Development."

Therefore, Be it Ordained by the City of Fairview, Tennessee as follows:

Fairview, Tennessee, Tennessee Municipal Zoning Code, Article VIII, "Overlay Districts," Section 8-203, "Administrative Procedures Governing Planned Unit Developments," 8-203 inclusive through 8-203.8, "Enforcement of the Development Schedule," as it currently reads is as follows:

8-203 ADMINISTRATIVE PROCEDURE GOVERNING PLANNED UNIT DEVELOPMENTS

8-203.1 Purpose and Intent

The purpose of these provisions is to prescribe a procedure for the review, approval and continued administration of all planned unit developments provided for by this section.

8-203.2 Preapplication Conference

Prior to filing an application for approval of a planned unit development the applicant shall confer with the Zoning Administrator concerning policy and procedure relative to the application. The Zoning Administrator shall arrange a formal meeting at which the applicant or his representative shall meet with other staff persons who will be involved in reviewing and recommending action on the proposed plan of development.

8-203.3 Preliminary Approval of the Proposed Planned Unit Development

1. Application For Preliminary Approval

Application for preliminary approval shall be made by the landholder of the affected property or his authorized agent to the Zoning Administrator 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 with the requirements set forth below.

2. Preliminary Master Development Plan of a Planned Unit Development

The preliminary master development plan for the proposed planned unit development shall be a general concept plan which shall include the following:

- a Sufficient information to disclose:
 - I. The location and size of the area involved.
 - II. Location of transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas.
 - iii Location and approximate dimensions of structures, other than one and two family detached dwellings, including approximate height, bulk and the utilization of structures including activities and the number of living units.
 - iv. Estimated population and density and extent of activities to be allocated to parts of the project.
 - v. Reservations for public uses including schools, parks, and other open spaces.
 - vi. Other major landscaping features, and

- vii . The general means of the disposition of sanitary wastes and storm water.
- viii . The type and proposed use for any common open space included within the proposed development. (Such information shall be sufficient to meet the requirements of Subpart 4, of Subsection 8-204.1, "Quality, Use and Improvement of Common Open Space".)
- ix. The ownership of all property proposed for incorporation within the PUD District. (A copy of all deeds along with written documents signed by all property owners indicating willingness to abide by the approved development plan.)
- x. The base zone district(s) proposed for inclusion within the planned unit development.
- xi. A listing of land uses proposed for the development

N
NOTE:

In an effort to increase the marketability of nonresidential sites located within PUD Districts, the applicant may submit a list of alternative land uses, other than the uses Shown on the plan, for such sites. Any such listing may contain only land uses Permitted within the base zoning districts(s) which the planned development district Overlays and may be further limited as provided in Subsection 8-208.1.

- b. A tabulation of the land area to be devoted to various uses and activities and overall densities.
- c. The nature of the landholder's interest in the land proposed to be developed and a written statement of concurrence from all parties having a beneficial interest in the affected property. (See Subsection 8-201.1, Subpart 6.)
- d. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities, drainage ways and common open space.
- e. When it is proposed that the final master development plan will be submitted in stages, a schedule of proposed submissions thereof.

If the application is deemed incomplete by the Zoning Administrator, a written request shall be made within ten (10) days after the original submittal, for further information. In such case the application shall be held in abeyance until deemed complete for final review. No plan shall be formally presented for Planning Commission action until such plan is found complete and ready for review.

3. Review by Other Departments of City Government

Other departments of the city as appropriate, shall review the plan for the proposed planned unit development.

4. Planning Commission Action on Preliminary Application for Planned Unit Development

Within forty-five (45) days after initial formal submission the Planning Commission shall take action on the preliminary application by anyone of the following:

- a. Unconditional preliminary approval.
- b. Conditional preliminary approval, in which the Planning Commission expressly denotes modifications which must be a part of the preliminary approval.
- c. Disapproval.

5. Conditional Preliminary Approval-Landholder's Response

When the Planning Commission's action is conditional preliminary approval, the commission shall specifically note in its' minutes the conditions or modifications which must be complied with in order that the proposed planned unit development receive preliminary approval. Within sixty (60) days following the meeting in which conditional approval is granted, the landholder may make a written response concurring with the required modifications, in which case the planned unit development is deemed to have preliminary Planning Commission approval, at the date of receipt of said written concurrence. When the landholder makes a negative reply or does not reply within sixty (60) days of the date of conditional preliminary approval the planned unit development shall be deemed as a recommendation for disapproval, unless such time limit is extended by a specific action of the Planning Commission upon a written request of the landholder. In the event of a recommendation for disapproval, the applicant may at his option proceed to the Board of Commissioners with his request.

6. Action by Board of Commissioners

Upon completion of preliminary development plan review, the Planning Commission shall forward its report and recommendations to the Board of Commissioners for action. Upon receipt of the Planning Commission's report the Board shall consider such report and recommendations, the preliminary development plan and such other information as it may require . The Board of Commissioners shall hold such required hearings and otherwise proceed in the manner set forth in Article XIV, for consideration of an amendment to the zoning ordinance.

In any instance where the Board of Commissioners may act either to approve a proposed development which the Planning Commission had recommended for disapproval or to conditionally approve the plan, the Board shall provide specific guidance as to :

- a. Overall design of the plan,
- b. Any Modifications required, and
- c. Any additional information which may be required by the Planning Commission in order for it to determine substantial compliance between the preliminary and final development plan.

7. Planned Unit Development and the Official Zoning Map

Upon approval by the Board of Commissioners, the Zoning Administrator shall place the extent of the planned unit development on the official zoning map identified by the ordinance number providing approval. Similarly in the instance of action by the Planning Commission abolishing or canceling the planned unit development, the Zoning Administrator shall remove the PUD District from the official zoning map.

8. Recording of PUD District

Within sixty (60) days following the enactment of an adopting ordinance by the Board of Commissioners, all owners shall record with the Register of Deeds a boundary plat or suitably comparable document identifying that the affected properties are subject to the provisions of a Planned Unit Development Overlay District. Suitable instruments indicating the nature and extent of all off-site improvements and special conditions to which the development is subject shall be recorded with such plat.

9. Addition of Land Uses not Included Within an Approved Preliminary Master Development Plan or Listing of Alternative Uses Allowable Within the Base Zoning District

The proposed addition of any use not authorized within an approved preliminary development plan and accompanying listing of alternative nonresidential land uses may be added to the plan only when approved as provided, herein. The Planning Commission shall hear all such proposed amendments. In the course of its consideration of any alteration presented hereunder, the Planning Commission shall hold a public hearing. Said hearing is held for the purpose of making a recommendation to the Board of Commissioners as to disposition of the requested change. The commission's action on the request for change shall be in the form of a submission of a resolution to the Board of Commissioners for amendment to the approved preliminary plan. A report detailing the action recommended by the Planning Commission shall accompany the submission of Board of Commissioners.

8-203.4 Final Approval of a Proposed Planned Unit Development

The approval by the Board of Commissioners of the preliminary development plan shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval by the Planning Commission of

the planned unit development shall be subject to the procedures and requirements of this section.

1. Application for Final Approval

Following approval of a preliminary planned unit development plan by the Board of Commissioners, the landholder may make application to the Planning Commission for approval of final development plans for all or a portion, provided the portion is consistent with the staging schedule approved with the preliminary development plan, of the proposed planned unit development. No action shall be taken on any final development plan for any portion of a planned unit development until the landholder demonstrates that all land included within the portion of the development for which final approval is requested is owned by the landholder and that any options have been closed.

The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission resolution of preliminary approval. Copies of legal documents required by the Commission for dedication or reservation of common open space and/or for the creation of a nonprofit association shall also be submitted.

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 planned unit development, in compliance with the staging plan approved as part of the preliminary development plan.

3. Final Master Development Plan of a Planned Unit Development

The application for final approval shall be sufficiently detailed to indicate the ultimate operation and appearance of the development, or portion thereof, and shall include, but not be limited to, the following:

a. Final development plan drawings at a scale no smaller than one (1) inch to one hundred (100) feet indicating:

i. The anticipated finished topography of the area involved (contours at vertical intervals no greater than two (2) feet where topography does not exceed ten (10) percent and five (5) feet) elsewhere.

ii. A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned unit development and to and from existing thoroughfares. This shall specifically include: Width of proposed streets; a plan of any sidewalks or proposed pedestrian ways; and any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern.

iii. An off-street parking and loading plan indicating ground coverage of parking areas.

iv. Areas proposed to be conveyed, dedicated or reserved for parks, parkways, and other public or semi-public open space uses including any improvements which are to be deeded as part of any common use area. (Such information shall include detailed site designs indicating all intended uses, equipment and facilities along with building or construction plans for the same.)

v. Information regarding the physical characteristics of the surrounding area and developments within three hundred (300) feet of the proposed planned unit development.

vi. Within nonresidential developments, a plan for each building site showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures. Within residential developments typical building envelopes shall be shown.

vii. A plan for proposed utilities including sewers, both sanitary and storm, gas lines, water lines, fire hydrants and electric lines showing proposed connections to existing utility systems. (**NOTE:** Within any Planned Unit Development District, all utilities including electric service, telephone and cable television service shall be underground.)

b. A detailed land use map and a listing of land uses approved for the development. (**NOTE: The listing of approved land uses shall include the list of alternative land uses, other than the uses shown on the plan, which were approved within the preliminary planned unit development plan for nonresidential sites located within the development.**)

c. A tabulation of proposed densities to be allocated to various parts of the area to be developed.

d. Final drafts of all proposed covenants and grants of easement which are proposed for filing with final plats. Such documents shall be in a form approved by legal council.

e. Final drafts of all proposed documents creating a Homeowner's Association or similar organization created for the purpose of owning and maintaining any common open space of facilities associated therewith.

f. A detailed listing of all conditions of approval to which the particular development, or individual sites located therein, are subject.

If the application is deemed incomplete by the Zoning Administrator, a written request shall be made within ten (10) days after the original submittal, for further information. In such case, the application shall be held in abeyance

until deemed complete for final review. No plan shall be formally presented for Planning Commission action until such plan is found complete and ready for review.

4. Action on Final Master Development Plan

In reviewing a final plan, the function of the reviewing agencies is twofold. First, the plan must be found to be in substantial compliance with the previously approved preliminary development plan. Second, all new information must be reviewed to determine its quality and compliance with all substantive requirements of this ordinance.

a. Review Procedure

i. Application for final approval shall be made to the Planning Commission.

ii. The completed final plan must be submitted to the Zoning Administrator ten (10) days prior to the meeting of the commission at which the plan is to be presented. Ten (10) copies of the plan and related documents will be required.

iii. Within forty-five (45) days subsequent to the formal presentation of the final plan to the Planning Commission it shall be the duty of the Zoning Administrator to present data and findings of the various departments and agencies of the government concerning the proposed plan to the Planning Commission.

iv. The Planning Commission may approve the final plan if it finds:

(a) That the final plan meets the provisions for substantial compliance with the preliminary plan set forth in Subsection 8-203.5 (below), and

(b) That the plan complies with all other standards for review which were not considered when the preliminary plan was approved.

5. Approval with Modification

Should the Planning Commission require any modification in the final development plan or any portion thereof such modifications shall be agreed to by the applicant in writing prior to formal acceptance and filing of the final development plan.

6. Filing of an Approved Final Development Plan

Upon formal action by the Planning Commission approving a final development plan, or in the instance of conditional final approval, upon

acceptance of the modifications as set forth in Subpart 5, of this section, said plan and all maps, covenants, and other portions thereof, shall be filed with the following:

The Zoning Administrator

The City Recorder

7. Disapproval

If the Planning Commission finds that the final plan does not meet the test for substantial compliance set forth in Subsection 8-203.5, or does not comply with other standards of review it shall disapprove the plan. In the event of disapproval, a written report shall be prepared by the Planning Commission and sent to the applicant. This report shall detail the grounds on which the plan was denied to specifically include ways in which the final plan violated the substantial compliance provisions or other standards of review.

8-203.5 Determination of Substantial Compliance

The final development plan shall be deemed in substantial compliance with the preliminary development plan provided modifications by the applicant do not involve changes which in aggregate:

- 1 Violate any provisions of this article;
- 2 Vary the lot area requirement as submitted in the preliminary plan by more than ten (10) percent;
- 3 Involve a reduction of more than five (5) percent of the area shown on the preliminary development plan as reserved for common open space.
- 4 Increase the floor area proposed in the preliminary development plan for nonresidential use by more than two (2) percent; and
- 5 Increase the total ground area covered by buildings by more than two (2) percent.
- 6 Involve any land use not specified on the approved preliminary development plan or the alternative list of uses for nonresidential sites.

In any instance wherein a final development plan, including minor changes authorized under the provision of Subsection 8-203.10 ("Minor Site Modifications to an Adopted Final Planned Unit Development Plan") is found to not meet the test of substantial compliance as set forth herein such plan may only be approved upon adoption of appropriate amendments to the adopted plan.

8-203.6 Failure to Begin Planned Unit Development

If no "actual construction" has begun in the planned unit development within three (3) years from the date of approval of the final development plan, or section thereof, said approval shall lapse and be of no further effect. No further developmental activity may take place until the existing development plan is reinstated to an active status or a revised development plan meeting all conditions of this ordinance is approved.

8-203.7 Maintaining a Current Development Plan

Building permits may be issued only within such portion(s) of a planned unit development for which a current final development plan is in effect. In spite of prior approvals, no action shall be taken in furtherance of any plan for a planned unit development for which a current final development plan is not in effect. In any instance where the approval of such plans may have lapsed due to non-commencement of actual construction (See Subsection 8-203.6) the following actions may be taken.

1. Reinstatement of Previously Approved Development Plan

In the event that actual construction may not have begun and/or the approval of the final development plan shall have lapsed, such plan may be reinstated by action of the Planning Commission and development may proceed, provided that no change is proposed that would require amendment of the plan.

2. Amending a Lapsed Development Plan

In the event that actual construction may not have begun, approval of the development plan shall have lapsed and revisions and/or alterations are proposed that exceed the minor site modifications authorized by Subsection 8-203.10, and, thus, would require amendment of the plan, such action may be accomplished only with the approval of a new preliminary development plan.

8-203.8 Enforcement of the Development Schedule

The construction and provision of all common open spaces and recreational facilities which are shown on the approved preliminary development plan must proceed at no slower rate than the construction of dwelling units. From time to time the Planning Commission shall compare the actual development accomplished with the approved development schedule. If the Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, then the Planning Commission may take either or both of the following actions:

1. Cease to approve any additional final plats;
2. Instruct the Zoning Administrator to discontinue issuance of building permits.

In any instance where the above actions are taken the Planning Commission shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial or industrial nature and the provision of common open spaces and public and recreational facilities is brought into adequate balance prior to the continuance of construction.

Therefore, Be it Resolved by the City of Fairview, Tennessee, Tennessee Municipal Zoning Code, Article VIII, "Overlay Districts," Section 8-203, "Administrative Procedures Governing Planned Unit Developments," 8-203 inclusive through 8-203.8, "Enforcement of the Development Schedule," be amended to include these Articles and Sections as amended to read as follows:

8-203 ADMINISTRATIVE PROCEDURE GOVERNING PLANNED UNIT DEVELOPMENTS

8-203.1 Purpose and Intent

The purpose of these provisions is to prescribe a procedure for the review, approval and continued administration of all planned unit developments provided for by this section.

8-203.2 Preapplication Conference

Prior to filing an application for approval of a planned unit development the applicant shall confer with the Zoning Administrator concerning policy and procedure relative to the application. The Zoning Administrator shall arrange a formal meeting at which the applicant or his representative shall meet with other staff persons who will be involved in reviewing and recommending action on the proposed plan of development.

8-203.3 Preliminary Approval of the Proposed Planned Unit Development

1. Application For Preliminary Approval

Application for preliminary approval shall be made by the landholder of the affected property or his authorized agent to the Zoning Administrator 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 with the requirements set forth below.

2. Preliminary Master Development Plan of a Planned Unit Development

The preliminary master development plan for the proposed planned unit development shall be a general concept plan which shall include the following:

- a Sufficient information to disclose:
 - I. The location and size of the area involved.
 - II. Location of transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas.
 - iii Location and approximate dimensions of structures, other than one and two family detached dwellings, including approximate height, bulk and the utilization of structures including activities and the number of living units.
 - iv. Estimated population and density and extent of activities to be allocated to parts of the project.
 - v. Reservations for public uses including schools, parks, and other open spaces.
 - vi. Other major landscaping features, and
- vii . The general means of the disposition of sanitary wastes and storm water.
- viii . The type and proposed use for any common open space included within the proposed development. (Such information shall be sufficient to meet the requirements of Subpart 4, of Subsection 8-204.1, "Quality, Use and Improvement of Common Open Space".)
- ix. The ownership of all property proposed for incorporation within the PUD District. (A copy of all deeds along with written documents signed by all property owners indicating willingness to abide by the approved development plan.)
- x. The base zone district(s) proposed for inclusion within the planned unit development.
- xi. A listing of land uses proposed for the development

N

NOTE:

In an effort to increase the marketability of nonresidential sites located within PUD Districts, the applicant may submit a list of alternative land uses, other than the uses shown on the plan, for such sites. Any such

listing may contain only land uses Permitted within the base zoning districts(s) which the planned development district Overlays and may be further limited as provided in Subsection 8-208.1.

- b. A tabulation of the land area to be devoted to various uses and activities and overall densities.
- c. The nature of the landholder's interest in the land proposed to be developed and a written statement of concurrence from all parties having a beneficial interest in the affected property. (See Subsection 8-201.1, Subpart 6.)
- d. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities, drainage ways and common open space.
- e. When it is proposed that the final master development plan will be submitted in stages, a schedule of proposed submissions thereof.

If the application is deemed incomplete by the City Manager Zoning Administrator, a written request shall be made within ten (10) days after the original submittal, or any subsequent submittal, for further information. No plan shall be formally presented for review or consideration by the Planning Commission for any action until such plan is found to be complete by the City Manager or his designee.

3. Review by Other Departments of City Government

Other departments of the city as appropriate, shall review the plan for the proposed planned unit development.

4. Conditional Preliminary Approval-Landholder's Response

When the Planning Commission's action is conditional preliminary approval, the commission shall specifically note in its' minutes the conditions or modifications which must be complied with in order that the proposed planned unit development receive preliminary approval. Within sixty (60) days following the meeting in which conditional approval is granted, the landholder may make a written response concurring with the required modifications, in which case the planned unit development is deemed to have preliminary Planning Commission approval, at the date of receipt of said written concurrence. When the landholder makes a negative reply or does not reply within sixty (60) days of the date of conditional preliminary approval the planned unit development shall be deemed as a recommendation for disapproval, unless such time limit is extended by a specific action of the Planning Commission upon a written request of the landholder. In the event of a recommendation for disapproval, the applicant may at his option proceed to the Board of Commissioners with his request.

5. Planned Unit Development and the Official Zoning Map

Upon approval by the Board of Commissioners, the Zoning Administrator shall place the extent of the planned unit development on the official zoning map identified by the ordinance number providing approval. Similarly in the instance of action by the Planning Commission abolishing or canceling the planned unit development, the Zoning Administrator shall remove the PUD District from the official zoning map.

6. Recording of PUD District

Within sixty (60) days following the enactment of an adopting ordinance by the Board of Commissioners, all owners shall record with the Register of Deeds a boundary plat or suitably comparable document identifying that the affected properties are subject to the provisions of a Planned Unit Development Overlay District. Suitable instruments indicating the nature and extent of all off-site improvements and special conditions to which the development is subject shall be recorded with such plat.

7. Addition of Land Uses not Included Within an Approved Preliminary Master Development Plan or Listing of Alternative Uses Allowable Within the Base Zoning District

The proposed addition of any use not authorized within an approved preliminary development plan and accompanying listing of alternative nonresidential land uses may be added to the plan only when approved as provided, herein. The Planning Commission shall hear all such proposed amendments. In the course of its consideration of any alteration presented hereunder, the Planning Commission shall hold a public hearing. Said hearing is held for the purpose of making a recommendation to the Board of Commissioners as to disposition of the requested change. The commission's action in the request for change shall be in the form of a submission of a resolution to the Board of Commissioners for amendment to the approved preliminary plan. A report detailing the action recommended by the Planning Commission shall accompany the submission of Board of Commissioners.

8-203.4 Final Approval of a Proposed Planned Unit Development

The approval by the Board of Commissioners of the preliminary development plan shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval by the Planning Commission of the planned unit development shall be subject to the procedures and requirements of this section.

1. Application for Final Approval

Following approval of a preliminary planned unit development plan by the Board of Commissioners, the landholder may make application to the Planning

Commission for approval of final development plans for all or a portion, provided the portion is consistent with the staging schedule approved with the preliminary development plan, of the proposed planned unit development. No action shall be taken on any final development plan for any portion of a planned unit development until the landholder demonstrates that all land included within the portion of the development for which final approval is requested is owned by the landholder and that any options have been closed.

The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission resolution of preliminary approval. Copies of legal documents required by the Commission for dedication or reservation of common open space and/or for the creation of a nonprofit association shall also be submitted.

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 planned unit development, in compliance with the staging plan approved as part of the preliminary development plan.

3. Final Master Development Plan of a Planned Unit Development

The application for final approval shall be sufficiently detailed to indicate the ultimate operation and appearance of the development, or portion thereof, and shall include, but not be limited to, the following:

a. Final development plan drawings at a scale no smaller than one (1) inch to one hundred (100) feet indicating:

i. The anticipated finished topography of the area involved (contours at vertical intervals no greater than two (2) feet where topography does not exceed ten (10) percent and five (5) feet) elsewhere.

ii. A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned unit development and to and from existing thoroughfares. This shall specifically include: Width of proposed streets; a plan of any sidewalks or proposed pedestrian ways; and any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern.

iii. An off-street parking and loading plan indicating ground coverage of parking areas.

iv. Areas proposed to be conveyed, dedicated or reserved for parks, parkways, and other public or semi-public open space uses including any improvements which are to be deeded as part of any common use area. (Such

information shall include detailed site designs indicating all intended uses, equipment and facilities along with building or construction plans for the same.)

v. Information regarding the physical characteristics of the surrounding area and developments within three hundred (300) feet of the proposed planned unit development.

vi. Within nonresidential developments, a plan for each building site showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures. Within residential developments typical building envelopes shall be shown.

vii. A plan for proposed utilities including sewers, both sanitary and storm, gas lines, water lines, fire hydrants and electric lines showing proposed connections to existing utility systems. **(NOTE: Within any Planned Unit Development District, all utilities including electric service, telephone and cable television service shall be underground.)**

b. A detailed land use map and a listing of land uses approved for the development. **(NOTE: The listing of approved land uses shall include the list of alternative land uses, other than the uses shown on the plan, which were approved within the preliminary planned unit development plan for nonresidential sites located within the development.)**

c. A tabulation of proposed densities to be allocated to various parts of the area to be developed.

d. Final drafts of all proposed covenants and grants of easement which are proposed for filing with final plats. Such documents shall be in a form approved by legal council.

e. Final drafts of all proposed documents creating a Homeowner's Association or similar organization created for the purpose of owning and maintaining any common open space of facilities associated therewith.

f. A detailed listing of all conditions of approval to which the particular development, or individual sites located therein, are subject.

If the application is deemed incomplete by the Zoning Administrator, a written request shall be made within ten (10) days after the original submittal, for further information. In such case, the application shall be held in abeyance until deemed complete for final review. No plan shall be formally presented for Planning Commission action until such plan is found complete and ready for review.

4. Action on Final Master Development Plan

In reviewing a final plan, the function of the reviewing agencies is twofold. First, the plan must be found to be in substantial compliance with the previously approved preliminary development plan. Second, all new information must be reviewed to determine its quality and compliance with all substantive requirements of this ordinance.

a. Review Procedure

iii. Application for final approval shall be made to the Planning Commission.

iv. The completed final plan must be submitted to the Zoning Administrator ten (10) days prior to the meeting of the commission at which the plan is to be presented. Ten (10) copies of the plan and related documents will be required.

iii. Within forty-five (45) days subsequent to the formal presentation of the final plan to the Planning Commission it shall be the duty of the Zoning Administrator to present data and findings of the various departments and agencies of the government concerning the proposed plan to the Planning Commission.

iv. The Planning Commission may approve the final plan if it finds:

(a) That the final plan meets the provisions for substantial compliance with the preliminary plan set forth in Subsection 8-203.5 (below), and

(b) That the plan complies with all other standards for review which were not considered when the preliminary plan was approved.

5. Approval with Modification

Should the Planning Commission require any modification in the final development plan or any portion thereof such modifications shall be agreed to by the applicant in writing prior to formal acceptance and filing of the final development plan.

6. Filing of an Approved Final Development Plan

Upon formal action by the Planning Commission approving a final development plan, or in the instance of conditional final approval, upon acceptance of the modifications as set forth in Subpart 5, of this section, said plan and all maps, covenants, and other portions thereof, shall be filed with the following:

The Zoning Administrator

The City Recorder

7. Disapproval

If the Planning Commission finds that the final plan does not meet the test for substantial compliance set forth in Subsection 8-203.5, or does not comply with other standards of review it shall disapprove the plan. In the event of disapproval, a written report shall be prepared by the Planning Commission and sent to the applicant. This report shall detail the grounds on which the plan was denied to specifically include ways in which the final plan violated the substantial compliance provisions or other standards of review.

8-203.5 Determination of Substantial Compliance

The final development plan shall be deemed in substantial compliance with the preliminary development plan provided modifications by the applicant do not involve changes which in aggregate:

1. Violate any provisions of this article;
2. Vary the lot area requirement as submitted in the preliminary plan by more than ten (10) percent;
3. Involve a reduction of more than five (5) percent of the area shown on the preliminary development plan as reserved for common open space.
4. Increase the floor area proposed in the preliminary development plan for nonresidential use by more than two (2) percent; and
5. Increase the total ground area covered by buildings by more than two (2) percent.
6. Involve any land use not specified on the approved preliminary development plan or the alternative list of uses for nonresidential sites.

In any instance wherein a final development plan, including minor changes authorized under the provision of Subsection 8-203.10 ("Minor Site Modifications to an Adopted Final Planned Unit Development Plan") is found to not meet the test of substantial compliance as set forth herein such plan may only be approved upon adoption of appropriate amendments to the adopted plan.

8-203.6 Failure to Begin Planned Unit Development

If no "actual construction" has begun in the planned unit development within three (3) years from the date of approval of the final development plan, or section thereof, said approval shall lapse and be of no further effect. No further developmental activity may take place until the existing development plan is

reinstated to an active status or a revised development plan meeting all conditions of this ordinance is approved.

8-203.7 Maintaining a Current Development Plan

Building permits may be issued only within such portion(s) of a planned unit development for which a current final development plan is in effect. In spite of prior approvals, no action shall be taken in furtherance of any plan for a planned unit development for which a current final development plan is not in effect. In any instance where the approval of such plans may have lapsed due to non-commencement of actual construction (See Subsection 8-203.6) the following actions may be taken.

1. Reinstatement of Previously Approved Development Plan

In the event that actual construction may not have begun and/or the approval of the final development plan shall have lapsed, such plan may be reinstated by action of the Planning Commission and development may proceed, provided that no change is proposed that would require amendment of the plan.

2. Amending a Lapsed Development Plan

In the event that actual construction may not have begun, approval of the development plan shall have lapsed and revisions and/or alterations are proposed that exceed the minor site modifications authorized by Subsection 8-203.10, and, thus, would require amendment of the plan, such action may be accomplished only with the approval of a new preliminary development plan.

8-203.8 Enforcement of the Development Schedule

The construction and provision of all common open spaces and recreational facilities which are shown on the approved preliminary development plan must proceed at no slower rate than the construction of dwelling units. From time to time the Planning Commission shall compare the actual development accomplished with the approved development schedule. If the Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, then the Planning Commission may take either or both of the following actions:

1. Cease to approve any additional final plats;
2. Instruct the Director of Planning and Codes to discontinue issuance of building permits.

In any instance where the above actions are taken the Planning Commission

shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial or industrial nature and the provision of common open spaces and public and recreational facilities is brought into adequate balance prior to the continuance of construction.

BE IT FURTHER ORDAINED, that all the remaining provisions of the referenced articles remain as they are without any change and,

BE IT FURTHER ORDAINED, If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

BE IT FINALLY ORDAINED, that this Ordinance shall take effect fifteen days (15) days after its first passage or upon second reading, whichever is later, the public welfare requiring it

Approved and recommended by the City of Fairview, Tennessee, Municipal Planning Commission this _____ day of _____, 2015.

Planning Commission Chairman

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Passed First Reading _____

Passed Second Reading _____

Public Hearing Held _____

CITY OF FAIRVIEW, TENNESSEE

10 H

RESOLUTION NO. 19-15

A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON AN ORDINANCE (BILL # 2015 – 25, ORDINANCE NO. 890) TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE VIII, “OVERLAY DISTRICTS,” SECTION 8-203, “ADMINISTRATIVE PROCEDURE GOVERNING PLANNED UNIT DEVELOPMENTS,” 8-203.3, “PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT,” 8-203.3(4), “PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT,” 8-203.3(6), “PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT,” 8-203.3(8), “PRELIMINARY APPROVAL OF THE PROPOSED PLANNED UNIT DEVELOPMENT,”

WHEREAS, The City of Fairview, Tennessee is in the process of Amending the City of Fairview, Tennessee Municipal Zoning Code, Article VIII, “Overlay Districts,” Section 8-203, “Administrative Procedure Governing Planned Unit Developments,” 8-203.3, “Preliminary Approval Of The Proposed Planned Unit Development,” 8-203.3(4), “Preliminary Approval Of The Proposed Planned Unit Development,” 8-203.3(6), “Preliminary Approval Of The Proposed Planned Unit Development,” 8-203.3(8), “Preliminary Approval Of The Proposed Planned Unit Development,” and the Statutes of the State of Tennessee require that a public hearing be held for the purpose of obtaining the public’s comments regarding the proposed annexation and,

WHEREAS, the Board of Commissioners for the City of Fairview, Tennessee have determined that July 16, 2015, is an acceptable date for the conduct of such a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE.

That a public hearing for the purpose of obtaining the comments of the public regarding the Annexation of the below described property into the Corporate Limits of the City of Fairview, Tennessee is scheduled and will be held at 7:00 O’Clock P.M., July 16, 2015 in the City Hall of the City of Fairview, Tennessee.

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

10 J

CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 20-15

A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON THE PROPOSED BUDGET FOR THE CITY OF FAIRVIEW, TENNESSEE FOR FISCAL YEAR 2016.

WHEREAS, The City of Fairview, Tennessee is in the process of passing a budget for the City for fiscal year 2016 and the Statutes of the State of Tennessee require that a public hearing be held for the purpose of obtaining the public's comments regarding the proposed Budget and,

WHEREAS, the Board of Commissioners for the City of Fairview, Tennessee have determined that June 18, 2015, is an acceptable date for the conduct of such a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE.

1. That a public hearing for the purpose of obtaining the comments of the public regarding the budget for the City of Fairview, Tennessee for fiscal year 2013 will be held at 7:00 O'Clock P.M., June 18, 2015 in the City Hall of the City of Fairview, Tennessee.

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

LARRY D. CANTRELL
CITY ATTORNEY
FAIRVIEW, TENNESSEE

CITY OF FAIRVIEW, TENNESSEE

10 L

RESOLUTION NO. 21-15

A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF OBTAINING PUBLIC COMMENT ON THE PROPERTY TAX RATE FOR THE CITY OF FAIRVIEW, TENNESSEE FOR THE FISCAL YEAR 2016.

WHEREAS, The City of Fairview, Tennessee is in the process of passing a Property Tax Rate for the City for fiscal year 2013 and the Statutes of the State of Tennessee require that a public hearing be held for the purpose of obtaining the public's comments regarding the proposed Property Tax Rate and,

WHEREAS, the Board of Commissioners for the City of Fairview, Tennessee have determined that July 18, 2015, is an acceptable date for the conduct of such a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE.

1. That a public hearing for the purpose of obtaining the comments of the public regarding the budget for the City of Fairview, Tennessee for fiscal year 2016 will be held at 7:00 O'Clock P.M., July 18, 2015 in the City Hall of the City of Fairview, Tennessee.

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

LARRY D. CANTRELL
CITY ATTORNEY
FAIRVIEW, TENNESSEE

**PITNEY BOWES GLOBAL FINANCIAL SERVICES AGREEMENT
NJPA STATE & LOCAL FMV LEASE, Contract #043012-PIT**



Your Business Information
CITY OF FAIRVIEW

Full Legal Name of Lessee 7100 CITY CENTER WAY	DBA Name of Lessee FAIRVIEW	Tax ID # (VAT Number) TN	37062-6009
Billing Address: Street	City	State	Zip+4
		16619349869	
Billing Contact Name 7100 CITY CENTER CIR	Billing Contact Phone # FAIRVIEW	Billing CAN # TN	37062
Installation Address (If different from billing address) : Street	City	State	Zip+4
		16619356864	
Installation Contact Name	Installation Contact Phone #	Installation CAN #	
Fiscal Period (from - to)	Customer PO #	Delivery CAN #	

Your Business Needs

Qty	Business Solution Description	Check items to be included in customer's payment
1	Mail Stream Solution - 5 DM125 Desktop Mailing System	<input checked="" type="checkbox"/> Service Level Agreement Tier 2 - Provides Standard SLA plus Training and printhead replacement
1	IntelliLink Interface / PSD for DM125 / DM225	
1	Basic Accounting (10 Dept)	<input type="checkbox"/> Software Maintenance (additional terms apply) - Provides revision updates & technical assistance
1	2lb Integrated Weighing	
1	LAN Connection Kit	<input checked="" type="checkbox"/> Soft-Guard® Subscription - Provides postal and carrier updates If you do not choose Soft-Guard protection with your lease, you will automatically receive updates at PBI's current rates.
1	Integrated Weighing Platform	
1	Moistener for DM125	<input checked="" type="checkbox"/> IntelliLink® Subscription/ Meter Rental - Provides simplified billing and includes postage resets () Value Based Services (x) Purchase Power® credit line
1	pbSmartPostage Free	<input type="checkbox"/> Permit Mail Payment Service - Allows you to consolidate permit postage with metered postage under one account. As a permit mail user, we need USPS forms 6001, 6002, and 6003, along with the Permit Enrollment form, to activate your Permit Mail Payment service.
1	Professional Installation for DM100/DM125	<input type="checkbox"/> YES PBGFS ValueMAX® Program
1	IntelliLink Subscription	<input type="checkbox"/> (x) No Enrollment (I will provide proof of insurance within the next 30 days as noted in paragraph L9)

Your Payment Plan

Number Of Months	Monthly Amount	Billed Quarterly At*
First 60	\$62.34	\$187.02

- () Required advance check of \$() received
 Tax Exempt# State Tax (If applicable)
 () Tax Exempt Certificate Attached
 () Tax Exempt Certificate Not Required

*Does not include any applicable taxes; payment plans begin after any applicable Interim Usage Period.

Your Signature Below

Non-Appropriations. You warrant that you have funds available to pay all payments until the end of your current fiscal period, and shall use your best efforts to obtain funds to pay all payments in each subsequent fiscal period through the end of your Lease Term. If your appropriation request to your legislative body, or funding authority ("Governing Body") for funds to pay the payments is denied, you may terminate this Lease on the last day of the fiscal period for which funds have been appropriated, upon (i) submission of documentation reasonably satisfactory to us evidencing the Governing Body's denial of an appropriation sufficient to continue this Lease for the next succeeding fiscal period, and (ii) satisfaction of all charges and obligations under this Lease incurred through the end of the fiscal period for which funds have been appropriated, including the return of the Equipment at your expense.

By signing below, you agree to be bound by all the terms and conditions of this Agreement, including those located in the NJPA Contract Number 043012-PIT, effective date July 11, 2012 which are available at www.pb.com/states/njpa and are incorporated by reference. The lease will be binding on PBGFS only after PBGFS has completed its credit and documentation approval process and an authorized PBGFS employee signs below. The lease requires you either to provide proof of insurance or instead participate in the Pitney Bowes ValueMAX equipment protection program (see paragraph L9 page 2) for an additional fee.

Customer Signature _____ Date _____

Print Name _____ Title _____ Email Address _____

Sales Information

Jason Ambrosio * 473

Account Rep Name District Office PBGFS Acceptance
 (C0187745.3) Page 1 See www.pb.com/states/njpa for additional terms and conditions