

PUBLIC HEARING
FAIRVIEW CITY HALL

JULY 16, 2015

7:00 P.M.

AGENDA

- 1. CALL TO ORDER BY MAYOR CARROLL.**
- 2. THE PURPOSE OF THIS PUBLIC HEARING IS FOR CITIZENS COMMENTS ON -**
 1. BILL #2015-16, ORDINANCE NO. 881, AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE II, "CONSTRUCTION OF LANGUAGE AND DEFINITIONS", SECTION 2-101, "RULES FOR CONSTRUCTION OF LANGUAGE, "PARAGRAPH L.
 2. 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 PRICILLA LAMPLEY. ALL THE PROPERTY PROPOSED FOR ANNEXATION LIES WITHIN THE CITY OF FAIRVIEW, TENNESSEE'S GROWTH BOUNDARY.
 3. 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.
 4. 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."
- 3. ADJOURNMENT.**

CITY OF FAIRVIEW
BOARD OF COMMISSIONERS

JULY 16, 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 –**
 - A. Employee of the Month
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 June 29, 2015 Board of Commissioners Special Called Meeting
 - B. Approval of the Minutes from the June 18, 2015 Public Hearing #1 Budget
 - C. Approval of the Minutes from the June 18, 2015 Public Hearing #2 Tax Rate
 - D. Approval of the Minutes from the June 18, 2015 Board of Commissioners Meeting
 - E. Bill #2015-15, Ordinance No. 880, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code Title 11, "Municipal Offenses," Chapter 4, "Offenses Against the Peace and Quiet," Section 11-402(1)(h), "Anti-Noise Regulations."
 - F. Bill #2015-16, Ordinance No. 881, An Ordinance to Amend City of Fairview, Tennessee, Municipal Zoning code, Article II, "Construction of Language and Definitions", Section 2-101, "Rules for Construction of Language," Paragraph L
 - G. Bill #2015-17, Ordinance No. 882, An Ordinance to Amend City of Fairview, Tennessee, Municipal Code Title 16, "Streets and Sidewalks, Etc.," Chapter 2, "Excavations and Cuts," Section 16-203, "Administration," Paragraph (13), "Working Hours."
 - H. 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 Proposed Property for Annexation Lies Within the City of Fairview, Tennessee's Growth Boundary.
 - I. Resolution #17-15, A Resolution Adopting a Plan of Services for the Annexation of Property Belonging to Priscilla Lampley and to Incorporate the Same Within the Corporate Boundaries of the City of Fairview, Tennessee. The Property is Located on Horn Tavern Road and is shown on City of Fairview, Tennessee Geological Listing of Assessment Roll Map 022, Parcels 064.00 and 065.00.
 - J. 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.
9. **Old Business**
 - A. 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."

10. New Business

- A. Discuss and/or Take Action on Interlocal Agreement for Automatic Response of Joint Law Enforcement Assistance – Sutton
- B. Discuss and/or Take Action on Resolution No. 24-15, A Resolution Authorizing the Fire Department of Fairview, Tennessee to Participate in the Pool's "Safety Partners" Loss Control Matching Safety Grant Program - Sutton
- C. 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.

CITY OF FAIRVIEW



BOARD OF COMMISSIONERS SPECIAL MEETING MINUTES

June 29, 2015

Patti L Carroll, Mayor
Toney R Sutton, Vice-Mayor
Allen Bissell, Commissioner
Shannon L Crutcher, Commissioner
Stuart L Johnson, Commissioner
Wayne Hall, City Manager
Larry Cantrell, City Attorney
Brandy Johnson, City Recorder

Present: Carroll, Sutton, Bissell, Crutcher, Johnson
Others Present: Hall, Cantrell, Daugherty, Johnson, Paisley

1. **Call to order by Mayor Carroll at 4:00 p.m.**
2. **Approval of the Agenda** – Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. All were in favor.
3. **New Business**
 - A. Discuss and/or Take Action on Certificate of Compliance Renewal for Ken Karger and Ann McConnell of Fairview Liquors and Fine Wines – Vice Mayor Sutton noted all paperwork is in order and made a motion to approve and waive the renewal fees due to the recent death of an owner. Johnson seconded and all were in favor.
 - B. Discuss and/or Take Action on Resolution No. 23-15, A Resolution Authorizing The Issuance Sale And Payment Of General Fund Tax Anticipation Notes Not To Exceed Four Hundred Three Thousand Eight Hundred Eleven (\$403,811.00) Dollars – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Bissell seconding. CFO Daugherty states he spoke with the comptroller and they requested a little different format from what was in the packet but the only difference is to add the term "General Fund" in the body of the document to match the heading. Daugherty notes the amount of \$403,811 is the amount we can be approved for. He originally requested \$600,000 because he thought we could request up to 60% of our property tax revenues. Per the comptroller that is an IRS regulation and the state goes by a different formula of 5% of expenditures plus the biggest negative amount which equals the \$403,811 amount. Payoff is due by June 30, 2016 but Daugherty anticipates payoff in January and the interest is 3.25%. Mayor Carroll asks if this new amount will give us what we need until January and Daugherty confirms it will though October and November will be real tight. Carroll asks if this will allow the State Street Aid fund to be separated out and Daugherty states we will have to wait a little bit and see but the goal is for that to be done by the end of the year. All were in favor.

Attorney Cantrell asked the Board for consensus on posting cancellation of the Thursday July 2nd regularly scheduled meeting on the website at the door and all the usual places. The Board agreed.

3. **Adjournment** - meeting was adjourned at 4:10 p.m.

Brandy Johnson
City Recorder

CITY OF FAIRVIEW

8B

BOARD OF COMMISSIONERS PUBLIC HEARING

June 18, 2015

Patti L Carroll, Mayor
Toney R Sutton, Vice-Mayor
Allen Bissell, Commissioner
Shannon L Crutcher, Commissioner
Stuart L Johnson, Commissioner
Wayne Hall, Interim City Manager
Larry Cantrell, City Attorney
Brandy Johnson, City Recorder

Present: Carroll, Sutton, Bissell, Crutcher, Johnson
Others Present: Hall, Daugherty, Cantrell, Johnson

1. Mayor Carroll opened the public hearing at 7:00 p.m.
2. Mayor Carroll stated that the purpose of this hearing is for citizens comments on the following:
 - A. CITY OF FAIRVIEW, TENNESSEE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JULY1, 2015 AND ENDING JUNE 30, 2016, BILL #2015-26, ORDINANCE NO. 891- no public comments
3. Mayor Carroll adjourned the public hearing at 7:00 p.m.

Brandy Johnson
City Recorder



CITY OF FAIRVIEW

BOARD OF COMMISSIONERS PUBLIC HEARING

June 18, 2015

Patti L Carroll, Mayor
Toney R Sutton, Vice-Mayor
Allen Bissell, Commissioner
Shannon L Crutcher, Commissioner
Stuart L Johnson, Commissioner
Wayne Hall, Interim City Manager
Larry Cantrell, City Attorney
Brandy Johnson, City Recorder

Present: Carroll, Sutton, Bissell, Crutcher, Johnson
Others Present: Hall, Daugherty, Cantrell, Johnson

1. Mayor Carroll opened the public hearing at 7:01 p.m.
2. Mayor Carroll stated that the purpose of this hearing is for citizens comments on the following:
 - A. CITY OF FAIRVIEW, TENNESSEE SETTING A PROPERTY TAX RATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016, SECTION 9 OF BILL #2015-26, ORDINANCE NO. 891 - no public comments
3. Mayor Carroll adjourned the public hearing at 7:02 p.m.

Brandy Johnson
City Recorder

CITY OF FAIRVIEW

BOARD OF COMMISSIONERS
MEETING MINUTES

June 18, 2015

Patti L Carroll, Mayor
 Toney R Sutton, Vice-Mayor
 Allen Bissell, Commissioner
 Shannon L Crutcher, Commissioner
 Stuart L Johnson, Commissioner
 Wayne Hall, City Manager
 Larry Cantrell, City Attorney
 Brandy Johnson, City Recorder

Present: Carroll, Sutton, Bissell, Crutcher, Johnson
 Others Present: Hall, Cantrell, Daugherty, Johnson, Harris, Paisley

1. **Call to order by Mayor Carroll at 7:03 p.m.**
 - A. Prayer and Pledge led by Mayor Carroll
2. **Approval of the Agenda** – Vice Mayor Sutton made a motion for approval with Commissioner Bissell seconding. Mayor Carroll requested the addition of two interlocal agreements with Williamson County – one for road maintenance and the other for the health clinic as New Business items E & F. CFO Daugherty requested the addition of the engagement letter for the auditor. City Recorder Johnson requested the deletion of items E & F from the consent agenda, pull item G from the consent agenda to discuss changing the date to July 16 due to deferral from the Planning Commission and move to item 9C and removal of item 10A per the requestor. Commissioner Bissell makes a motion to approve the changes to the agenda with the additions due to exigent circumstances with Vice Mayor Sutton seconding. All were in favor.
3. **Citizen Comments – (Limited to the first 5 citizens to sign in and a limit of 3 minutes each).** –
 - A. Dr. Neil Rice thanked Commissioner Bissell for his tireless efforts over the past few years and for all he did to make the grand opening of Triangle Historical Village a grand occasion. The event was recorded and will be replayed on Channel 3 plus look for articles in the Observer and Franklin Source. Rice shared the following website for viewing of photos from the event: <https://goo.gl/photos/KhwrdTGj57nCjKyk6>. Rice mentions an online auction that will begin soon and he hopes to use the proceeds to purchase folding chairs and carts and tables. Rice also speaks of future possible projects.
4. **Awards and/or Recognitions –**
 - A. Presentation to Meals on Wheels by Fairview Area Chamber of Commerce, Jon Cherry along with Chamber representatives Jessica Cherry, Ken Karger and John Blade. Cherry presents a check for \$2,400 to Kim Cunningham with the Fairview Kitchen of Meals on Wheels raised from the recent Taste of Fairview event. Cherry notes they serve an average of 200 hot meals per week to local residents. Cherry recognized the sponsors of the 2015 Taste of Fairview: Walmart, McDonalds, Isshin, Publix, FoodSaver, Pizza Hut, Taco Bell, Fairview Donuts, Country Café, Zaxby's, Ray's Hot Chicken and Dos Margaritas.
 - B. Employee of the Month – postponed until July meeting
5. **Public Announcements –**
 - A. City Manager Hall issues a reminder of emissions testing every Monday and Tuesday from 7:30 until noon
 - B. Mayor Carroll invites everyone to the Independence Day Celebration on July 3 and to music in the park on Friday, June 26th and a movie in the park on Saturday, June 27th

6. Staff Comments –

- A. CFO Tom Daugherty states he is getting geared up for the audit and will be sending a questionnaire to the Board. There are 12 days until the end of the year and we are at 94.97% of appropriations but I think we will be slightly under for the year.
- B. Parks Director Keith Paisley reminds that Johnsongrass will perform at the Starlight Jam on June 26 and there will be a movie in the park on June 27 with food trucks and the movie will be at the stage. Paisley notes there have been 1,326 kids in programs to date in June and 4,699 this year to date.
- C. City Manager Hall notes a new retail center across from Walmart will be on the Planning Commission agenda in July

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 June 4, 2015 Board of Commissioners Workshop
- B. Approval of the Minutes from the June 4, 2015 Board of Commissioners Meeting
- C. Second Reading of Bill #2015-21, Ordinance No. 886, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (Emergency Street Repair to Horn Tavern Rd & Chester Rd)
- D. Second Reading of Bill #2015-22, Ordinance No. 887, An Ordinance for an Amendment to the City of Fairview, Tennessee, Budget for Fiscal Year 2014-2015 Budget (Nature Center HVAC)
- E. REMOVED FROM AGENDA
- F. REMOVED FROM AGENDA
- G. MOVED TO ITEM 9-C

Vice Mayor Sutton read captions for items C & D. Commissioner Crutcher makes a motion for approval with Vice Mayor Sutton seconding. All were in favor.

9. Old Business

- A. Second Reading 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 Beginning July 1, 2015 and Ending June 30, 2016 – Vice Mayor Sutton read the caption. Commissioner Bissell made a motion for approval with Vice Mayor Sutton seconding. CFO Daugherty stated the only changes from first reading are the tax rate, decrease in work force, pay donations from the BOC and decrease employee salaries and added \$90,000 from State Street Aid for paving projects. Daugherty added we might want to visit whether we want to create a sinking fund and whether we want to fully fund school facilities tax first. Commissioner Johnson asks how far under the \$3.5 million figure he got and Daugherty replied \$3,487,689. Johnson addressed concerns over the contract we have with the City Manager and if he doesn't get paid the contract amount if that contract needs an addendum or if he could just donate back to the city. Attorney Cantrell states the contract could be amended upon Mr. Hall's request or he could just donate back to the city. Johnson states he believes we have to pay so the amount needs to go back into the budget and then he can choose to donate back. Johnson also questioned reducing Hall's pay versus the additional responsibility he would be taking on. Daugherty asked if we would not be under the same position with other board members as well asking if we would need to pay them first and then they would donate back. Cantrell stated they could get paid direct or put in writing designating which fund their check should go to. Discussion on this item was deferred and Item 10C was discussed out of order. When discussion continues Daugherty states he will need to add the salary amounts previously removed for donations back into employee expenditures. Johnson states if we add back in we go about \$3,000 over the \$3.5 million figure. Daugherty confirms we are looking at \$3,579 over but just on paper until the donations are made. Vice Mayor Sutton withdraws his original motion and makes a motion to approve the budget as amended for \$3,579 over \$3.5 million for employee expenditures with Commissioner Bissell seconding. All were in favor.
- B. Second Reading of 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 Beginning July 1, 2015 and Ending June 30, 2016 – Vice Mayor Sutton read the caption and made a motion for

approval with Commissioner Crutcher seconding. Commissioner Johnson stated he would abstain from voting. FOR: Bissell, Carroll, Crutcher, Sutton, ABSTAIN: Johnson. Motion passes.

- C. Resolution 22-15, A Resolution To Set A Public Hearing For The Purpose Of Obtaining Public Comment On An Ordinance (Bill # 2015 – 16, Ordinance No. 881) To Amend City Of Fairview, Tennessee, Municipal Zoning Code, Article li “Construction of Language And Definitions,” Section 2-101, “Rules For Construction of Language,” “Paragraph L.” – Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. All were in favor.

10. New Business

- A. Discuss and/or Take Action on Request to Waive Park Fees for Movies in the Park, Di Yeargan of Hope Chapel – REMOVED FROM AGENDA
- B. Discuss and/or Take Action on Recommendation from Tree Commission for Approved Shrub List for Commercial Developments – Vice Mayor Sutton made a motion for approval with Commissioner Johnson seconding. Jane Woodall was present representing the Tree Board. Sutton noted this listing was approved through the Tree Board and arborist. Woodall adds they do not want the top ten selection noted as there is enough diversity without it. All were in favor.
- C. Discuss and/or Take Action on Details of Donating Pay (Carroll, Crutcher, Hall) – Attorney Cantrell states he is not a tax advisor but can give some general information. He states according to the IRS code USCA Ch. 26 1709(c)(1) if you donate to a non-profit entity you can write off the amount donated. Cantrell continues it has to be something the public participates in. Carroll clarifies we have to determine where our salary donations will go and we can send a letter stating such. Cantrell agrees and notes they will still be taxed on earnings but can take the deduction at the end of the year. Hall states his should go to general fund and Carroll stated she wants hers for debt service. It is determined that each individual will handle his/her donations with the CFO. No action.
- D. Discuss and/or Take Action on Addendum A for an Extension to the Interlocal Lease Agreement Between Williamson County and the City of Fairview for the Joint Use of a Facility to Provide Emergency Response Services – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Johnson seconding. All were in favor.
- E. ADDED ITEM: Discuss and/or Take Action on Addendum A for an Extension to the Interlocal Agreement Between Williamson County and the City of Fairview for the Provision of Periodic Road Work and Maintenance to Municipal Roads – Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Johnson seconding. All were in favor.
- F. ADDED ITEM: Discuss and/or Take Action on Addendum B Extension to the Interlocal Agreement Between Williamson County and the City of Fairview (Health Clinic) - Vice Mayor Sutton read the caption and made a motion for approval with Commissioner Johnson seconding. All were in favor.
- G. ADDED ITEM: Discuss and/or Take Action on Engagement Letter from Patterson, Hardee & Ballentine, P.C. – Commissioner Johnson verifies Attorney Cantrell has reviewed the letter and Cantrell states he has and it is virtually the same as last year’s letter and he has no problems with it legally. Commissioner Johnson made a motion for approval with Vice Mayor Sutton seconding. All were in favor.

10. City Manager Items for Discussion –

- A. Miscellaneous Updates – City Manager Hall states he is enthused with the reopening of History Village noting he attended Triangle School for one year in the third grade. Hall continues that 7 of the new street lights on Highway 100 are up and are really making a difference.
- B. City Attorney Comments – Attorney Cantrell states his appreciation for all the dedication and work on the budget by the Board and city staff noting it has a hard thing to do. He compliments all involved for sticking with it and coming together for a solution. He thanked everyone for their patience on the consent agenda ordinance.

11. Communications from the Mayor and Commissioners--

- A. Commissioner Johnson - NONE
- B. Vice Mayor Sutton states he appreciates everyone who worked at history village, especially Dr. Rice and the Fairview Historical Society. He gave Commissioner Bissell the credit for seeing the project through when the Board was at a standstill. Sutton thanked the Parks and Public Works departments for all of their contributions as well.
- C. Commissioner Bissell - NONE

D. Commissioner Crutcher - NONE

E. Mayor Carroll piggybacked on Sutton's comments noting Bissell embraced the opportunity when the Board was at a standstill and she appreciates his service. Carroll attended a regional Mayor's Summit where it was exciting to hear the speakers discuss transportation needs and commuting issues. Carroll thanked city staff for their hard work on the budget and noted she appreciates the compromises the Board made noting it will not be an easy year but if we stay true a lot of great things will happen. She states we passed a responsible budget she can be proud of and it is taking us in the right direction.

12. Adjournment – Vice Mayor Sutton made a motion for adjournment with Commissioner Crutcher seconding. All were in favor and meeting was adjourned at 8:15 p.m.

Brandy Johnson
City Recorder

8E

Bill # 2015-15

ORDINANCE NO. 880

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE TITLE 11, "MUNICIPAL OFFENSES," CHAPTER 4, "OFFENSES AGAINST THE PEACE AND QUIET," SECTION 11-402(1)(h)," ANTI-NOISE REGULATIONS."

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 Code, Title 11, "Municipal Offenses," Chapter 4, "Offenses Against the Peace and Quiet," Section 11-401(1)(h)," Anti-Noise Regulations."

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

Fairview, Tennessee Municipal Code, Title 11, "Municipal Offenses," Chapter 4, "Offenses Against the Peace and Quiet," Section 11-401(1)(h)," Anti-Noise Regulations." As it currently reads is as follows:

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 6:00 A.M. and 10:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 10:00 P.M. and 6:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 10:00 P.M. and 6:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

Therefore, Be it Resolved by the City of Fairview Tennessee Board of Commissioners, the Municipal Code of the City of Fairview, Tennessee, Municipal Code, Title 11, "Municipal Offenses," Chapter 4, "Offenses Against the Peace and Quiet," Section 11-401(1)(h)," Anti-Noise Regulations." be amended to include this Article and Section as amended to read as follows:

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 6:00 A.M. and 10:00 P.M. Monday through Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 10:00 P.M. and 6:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 10:00 P.M. and 6:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

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

May 7, 2015

Passed Second Reading

8F

Bill # 2015-16

ORDINANCE NO. 881

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL ZONING CODE, ARTICLE II, "CONSTRUCTION OF LANGUAGE AND DEFINITIONS", SECTION 2-101, "RULES FOR CONSTRUCTION OF LANGUAGE, "PARAGRAPH L.

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 II, "Construction of Language and Definitions", Section 2-101, "Rules for Construction of Language, "Paragraph L."

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

Fairview, Tennessee Municipal Zoning Code, Article II, "Construction of Language and Definitions", Section 2-101, "Rules for Construction of Language, "Paragraph L. As it currently reads is as follows:

L. All public officials, bodies, and agencies to which reference is made are those of the City of Mount Juliet, Tennessee.

Therefore, Be it Resolved by the City of Fairview Tennessee Board of Commissioners, the Municipal Code of the City of Fairview, Tennessee Article II, "Construction of Language and Definitions", Section 2-101, "Rules for Construction of Language, "Paragraph L," be amended to include this Article and Section as amended to read as follows:

L. All public officials, bodies, and agencies to which reference is made are those of the City of Fairview, Tennessee.

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

May 7, 2014

Passed Second Reading

Public Hearing Held



Bill # 2015-17

ORDINANCE NO. 882

AN ORDINANCE TO AMEND CITY OF FAIRVIEW, TENNESSEE, MUNICIPAL CODE TITLE 16, "STREETS AND SIDEWALKS, ETC.," CHAPTER 2, "EXCAVATIONS AND CUTS," SECTION 16-203, "ADMINISTRATION," PARAGRAPH (13), "WORKING HOURS."

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 Code, Title 16, Streets and Sidewalks , ETC.," Chapter 2, "Excavations and Cuts," Section 16-203, "Administration," Paragraph (13), "Working Hours."

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

Fairview, Tennessee Municipal Code, Title 16, Streets and Sidewalks , ETC.," Chapter 2, "Excavations and Cuts," Section 16-203, "Administration," Paragraph (13), "Working Hours," As it currently reads is as follows:

(13) Working hours. Except for emergency repairs or as approved by the director, working hours shall be between the hours of 8:30 A.M. and 3:30 P.M. prevailing time. Starting or warming up equipment prior to 8:00 A.M. is prohibited. Work on the weekend or legal holidays is prohibited unless specifically authorized by the director. (as added by Ord. #547, July 2003, and amended by Ord. #560, Nov. 2003)

Therefore, Be it Resolved by the City of Fairview Tennessee Board of Commissioners, the Fairview, Tennessee Municipal Code, Title 16, Streets and Sidewalks , ETC.," Chapter 2, "Excavations and Cuts," Section 16-203, "Administration," Paragraph (13), "Working Hours," be amended to include this Article and Section as amended to read as follows:

(13) Working hours. Except for emergency repairs or as approved by the director, working hours shall be between the hours of 8:30 A.M. and 3:30 P.M. prevailing time. Starting or warming up equipment prior to 8:00 A.M. is prohibited. Work on Sundays is prohibited unless specifically authorized by the Director

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

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: June 4, 2015, 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: _____

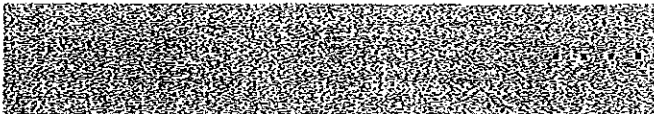
I AM CURRENTLY THE OWNER OF THE CAPTIONED PROPERTY AND WISH TO APPLY FOR ANNEXATION INTO THE CITY OF FAIRVIEW. THE INTENDED USE OF THE PROPERTY IS FOR, _____

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

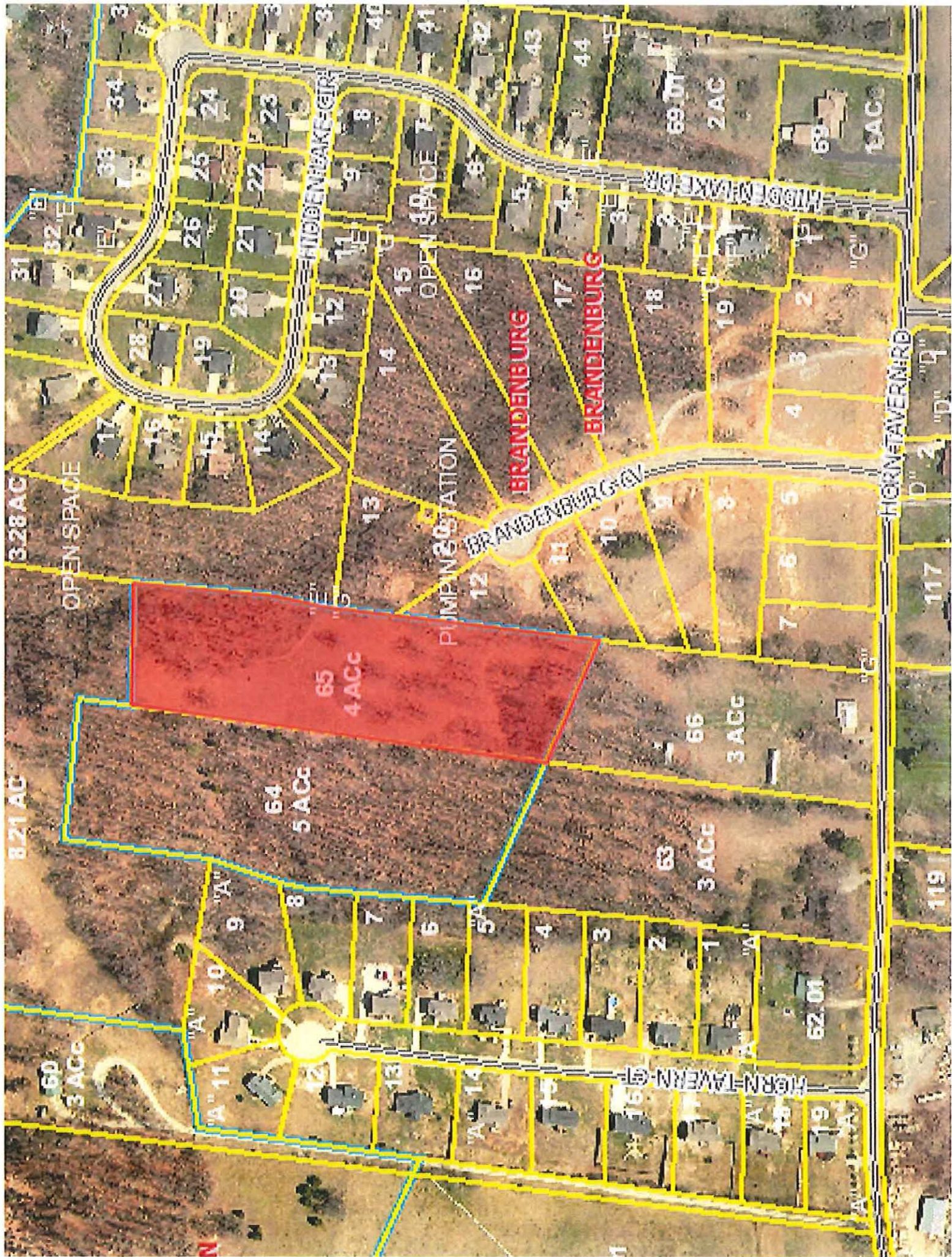
On May 12, 2015 the following items were voted on by the Fairview Municipal Planning Commission with a recommendation to be forwarded to the Board of Commissioners for consideration.

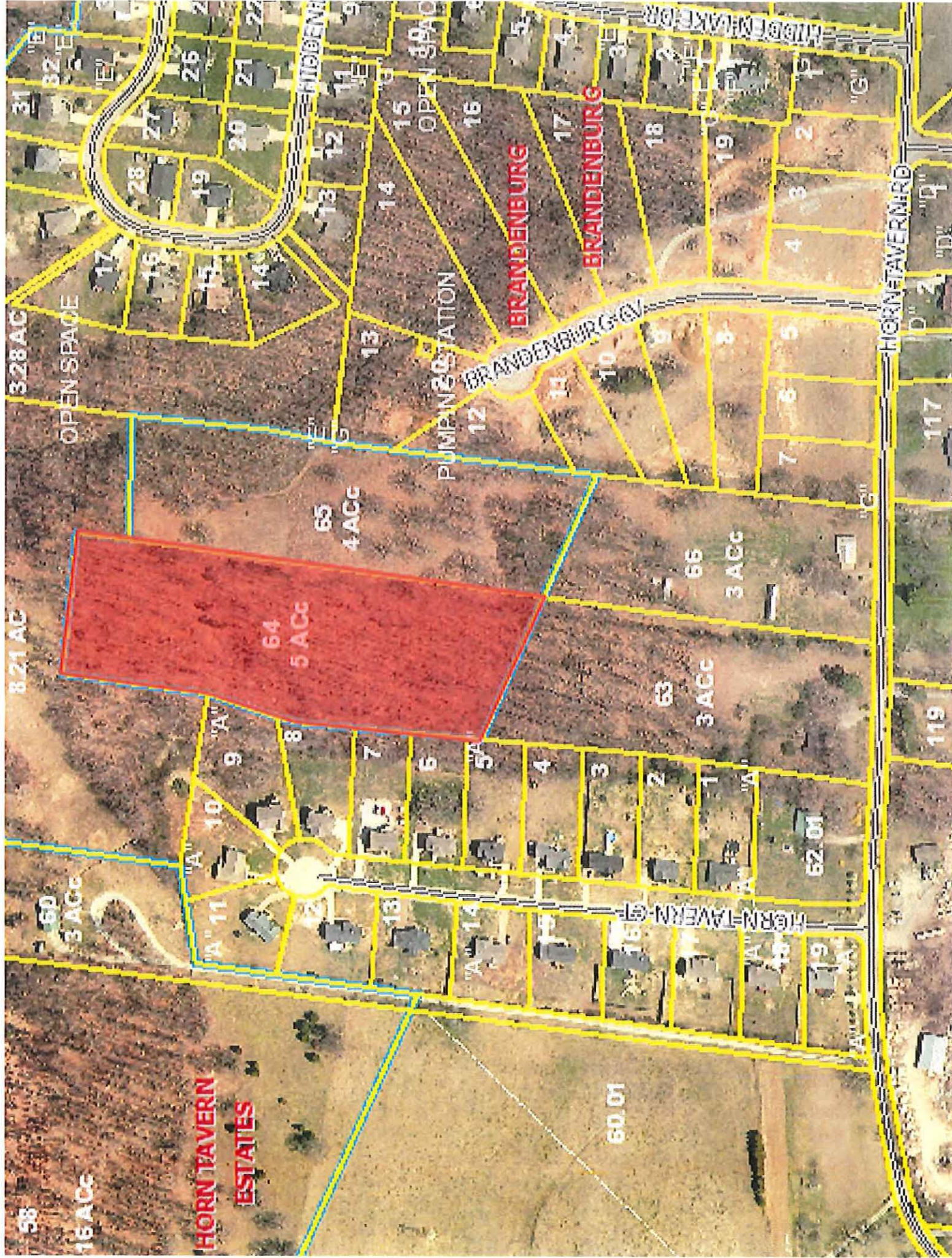
7.1 DISCUSS AND/OR TAKE ACTION ON REZONING APPLICATION WITH PRELIMINARY MASTER DEVELOPMENT PLAN FOR PROPERTY LOCATED ON COX PIKE. MAP 43, PARCELS 30.01 AND 31.00, 32.19 ACRES. FROM RS-40 (RESIDENTIAL) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) WITH A BASE DENSITY OF RS-15. DENNY, PROCTOR, AND WELCH,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





328 AC
OPEN SPACE

8.21 AC

38
16 ACC

**HORN TAVERN
ESTATES**

64
5 ACC

65
4 ACC

66
3 ACC

63
3 ACC

60.01

62.01

PUMPING STATION

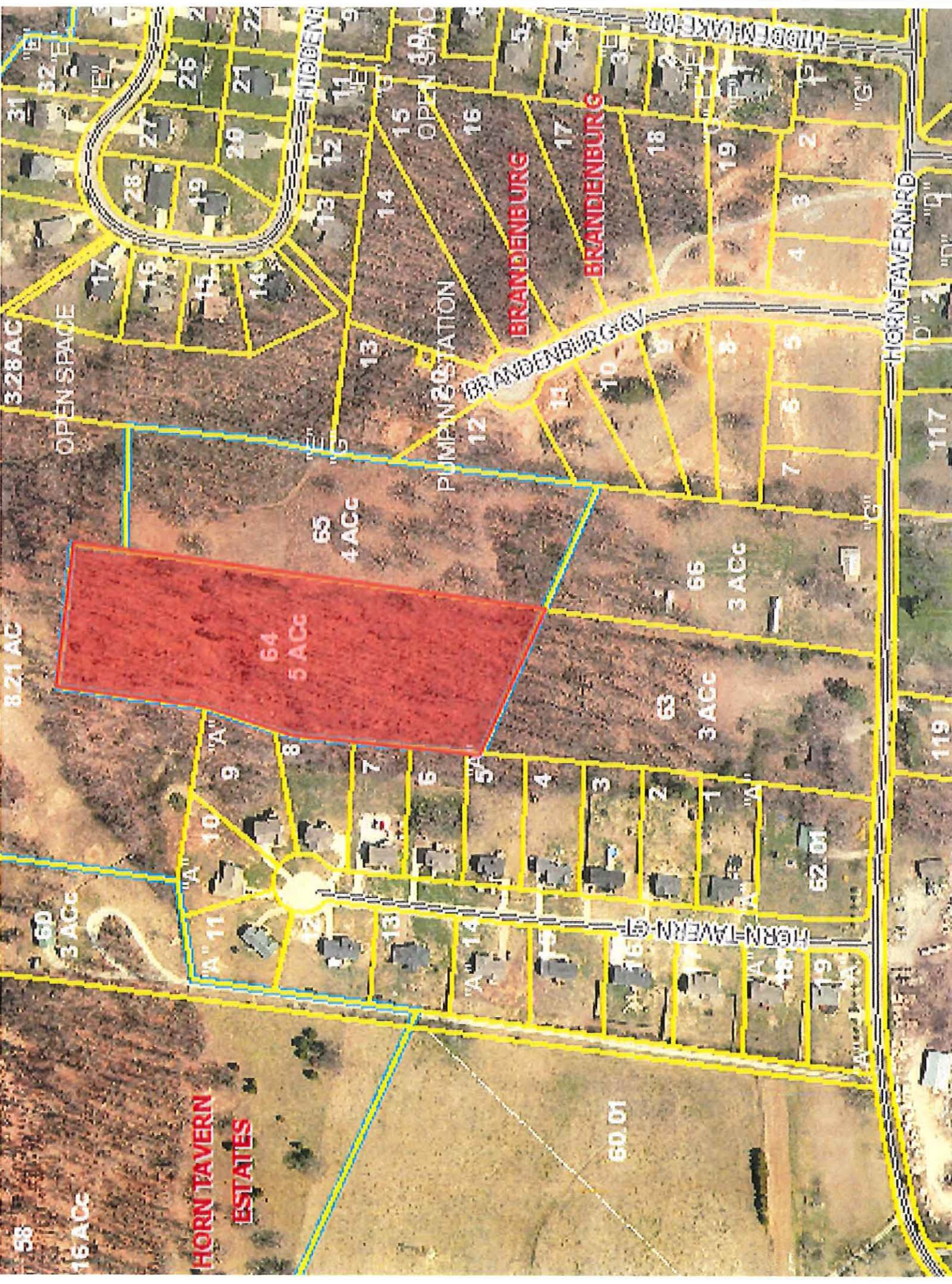
BRANDENBURG

BRANDENBURG

HORN TAVERN RD

117

119





CITY OF FAIRVIEW, TENNESSEE

RESOLUTION NO. 17-15

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTY BELONGING TO PRICILLA LAMPLEY AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FAIRVIEW, TENNESSEE. THE PROPERTY IS LOCATED ON HORN TAVERN ROAD, AND IS SHOWN ON CITY OF FAIRVIEW, TENNESSEE GEOLOGICAL LISTING OF ASSESSMENT ROLL MAP 022, PARCELS 064.00 AND 065.00.

WHEREAS, TCA 6 –51 – 102, as amended requires that a Plan of Services be adopted by the governing body of a City prior to (or within 60 days) of the passage of an annexation ordinance of any territory or territories.

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

Section 1. Pursuant to the provisions of TCA 6 –51 – 102, there is hereby adopted, for the area bounded as described above, the following plan of Services:

A. Police

1. Patrolling, radio response to calls, and other routine police services, using present personnel and equipment, will be provided on the effective date of annexation.
2. Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need is established by appropriate study and traffic standards.

B. Fire

1. Fire protection by the present personnel and equipment of the Fairview City Fire Department, within the limitations of available water and distances from fire stations; will be provided on the effective date of annexation.

C. Water

1. Water for domestic, commercial, and industrial use will be provided by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures. **The City of Fairview, Tennessee does not provide this service.**
2. Water for fire protection will be provided and water lines and fire hydrants will be installed by the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures. **The City of Fairview, Tennessee does not provide this service.**

D. Sanitary Sewers

1. The necessary intercepting and trunk sewers to serve the annexed area will be installed in accordance with current policies of the Water Authority of Dickson County, Tennessee, in accordance with their established policy and procedures. The City of Fairview, Tennessee does not provide this service.

E. Refuse Collection

1. Private haulers or the county convenience center will handle refuse collection in the annexed area.

F. Streets

1. The State Highway Commission under the standards currently prevailing by the State of Tennessee will serve the State Controlled Streets in the annexed area. The County of Williamson under the standards currently prevailing in Williamson County, Tennessee will serve the County Controlled Streets in the annexed area. The City of Fairview, Tennessee under the standards currently prevailing in the City will serve the City Controlled Streets in the annexed area.

G. Schools

1. The annexed area will be served by the Williamson County School system that serves the entire City of Fairview, Tennessee.

H. Inspection Services

1. Any inspection services now provided by the City will begin in the annexed area on the effective date of annexation.

I. Planning and Zoning

1. The planning and zoning jurisdiction of the City will extend to the annexed area on the effective date of annexation. City Planning will thereafter encompass the annexed area.

J. Street Lighting

1. The State, County or City under the standards currently prevailing for the appropriate authority will serve the annexed area.

K. Recreation

1. Residents of the annexed area may use all City and County parks on and after the effective date of annexation.

L. Miscellaneous

1. Where they are needed, street name signs will be installed as soon as, the need for emergency services to the annexed area are deemed necessary by the current policies of the City of Fairview, Tennessee.
2. Any other service(s) not classified under the foregoing headings will be in accordance with the standards prevailing in the City of Fairview, Tennessee.

Section 2. This resolution shall be effective from and after the date of its adoption.

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

**Chairman, City of Fairview, Tennessee
Municipal Planning Commission**

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

CITY ATTORNEY

BTBill # 2015-24ORDINANCE 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

June 4, 2015

Passed Second Reading

Public Hearing Held

9A

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.

- 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.

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

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 counsel.

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 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 counsel.

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 June 4, 2015

Passed Second Reading _____

Public Hearing Held _____



**INTERLOCAL AGREEMENT FOR
AUTOMATIC RESPONSE OF
JOINT LAW ENFORCEMENT ASSISTANCE**

Pursuant to T.C.A. §6-54-301, et seq. and T.C.A. §12-9-101 et seq.

THIS INTERLOCAL AGREEMENT, ("Agreement"), is entered as of the ____ day of _____, 2015, by and between WILLIAMSON COUNTY, TENNESSEE and the CITY OF FAIRVIEW, TENNESSEE, for automatic response to calls for law enforcement assistance.

WHEREAS, the Interlocal Cooperation Act codified at *Tennessee Code Annotated*, Section 12-9-101 et. seq., authorizes public agencies of the State to enter into interlocal agreements for the joint provision of law enforcement response; and

WHEREAS, *Tennessee Code Annotated*, Section 6-54-307 specifically authorizes incorporated cities to enter into agreements with counties for law enforcement assistance; and

WHEREAS, the parties hereto desire to avail themselves of the authority conferred by these laws; and

WHEREAS, the purpose of this agreement is to provide each of the parties, through their cooperation, a predetermined plan by which each might render aid to the other as needed for law enforcement response under specific arrangements as provided herein; and

WHEREAS, it is deemed in the public interest for the parties hereto to enter into an agreement for automatic response with regard to law enforcement response to provide aid as needed.

NOW THEREFORE, pursuant to *Tennessee Code Annotated* §6-54-307 and §12-9-101, et seq., and in consideration of the mutual covenants contained herein, the parties agree as follows:

1. The parties agree to send personnel and equipment in the complete discretion of the responding entity to provide automatic response to answer calls outside the parties' respective boundaries. Any law enforcement officer responding to a call as provided under this Agreement shall be considered acting in a governmental capacity entitled to all rights, privileges, exemptions and immunities as if such duty or activity were performed within the corporate limits by which such person is employed.
2. Automatic response is defined as the simultaneous dispatch and response of the party's law enforcement officers to the same property, area, or zone regardless of the actual location or jurisdiction of the property.
3. This agreement shall be valid between the signed parties when the Fairview City Mayor and the Williamson County Mayor execute it pursuant to the ordinance/resolution of each jurisdiction authorizing the party to execute it.
4. This Agreement is in addition to and shall not affect each party's responsibilities to respond to requests for assistance made under *Tennessee Code Annotated* §58-8-101 et seq.
5. The parties agree to cooperate in order to successfully execute the terms and conditions of this agreement including obtaining all regulatory and governmental approvals required by this Agreement recognizing that the intent of each party to the other is to serve the individual interests of each party while respecting the conditions and obligations of this Agreement.

6. Each party shall be responsible for its own cost for the satisfaction of the obligations set forth herein. The parties agree that this Agreement shall consist of the mutual understandings contained herein. The parties agree that monetary compensation shall neither be expected nor received by any party. Each party shall be responsible for its own actions, and the actions of its employees, contractors, subcontractors, and agents, conducted pursuant to this Agreement.
7. This Agreement and any exhibits included herewith at the time of execution of this Agreement contain the entire agreement between the parties, and no statement, promises, or inducements made by either party or agent of either party that is not contained in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified, or altered except in writing signed by the parties and attached hereto.
8. The rights and obligations of this Agreement are not assignable.
9. The initial term of this Agreement shall be for one year from the date this Agreement is executed and shall automatically renew for one year terms until this Agreement is terminated by one or both of the parties. Any party may terminate this Agreement at any time upon thirty (30) days' written notice to the other parties. Such termination shall not affect in any manner any prior existing obligations between the parties.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year written above.

ATTEST:

CITY OF FAIRVIEW

BY:

BY: Mayor Beverly Totty

DATE: _____

DATE: _____

APPROVED AS TO FORM AND LEGALITY:

City of Fairview Attorney

ATTEST:

WILLIAMSON COUNTY, TN

BY:

BY: Mayor Rogers Anderson

CITY OF FAIRVIEW POLICE CHIEF

WILLIAMSON COUNTY SHERIFF

Police Chief Terry Harris

Sheriff Jeff Long

DATE: _____

DATE: _____

APPROVED AS TO FORM AND LEGALITY:

Williamson County Attorney

CITY OF FAIRVIEW, TENNESSEE



RESOLUTION NO. 24-15

A RESOLUTION AUTHORIZING THE FIRE DEPARTMENT OF FAIRVIEW, TENNESSEE TO PARTICIPATE IN THE POOL'S "SAFETY PARTNERS" LOSS CONTROL MATCHING SAFETY GRANT PROGRAM

WHEREAS, the safety and well being of the employees of the City of Fairview of Fairview, Tennessee is of the greatest importance; and,

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the City of Fairview, Tennessee Fire Department employees; and,

WHEREAS, the Pool seeks to encourage the establishment of a safe workplace by offering a "Safety Partners" Loss Control Matching Safety Grant Program; and,

WHEREAS, the City of Fairview, Tennessee Fire Department now seeks to participate in this important program; and,

WHEREAS, the Board of Commissioners of the City of Fairview, Tennessee supports the City of Fairview, Tennessee Fire Department in obtaining such grants.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the City of Fairview, Tennessee the following:

Section 1. That the City of Fairview, Tennessee Fire Department is hereby authorized to submit application for a "Safety Partners" Loss Control Matching Safety Grant Program through The Pool.

Section 2. That the City of Fairview, Tennessee is further authorized to provide a matching sum to serve as a match for any monies provided by this Grant. The matching sum shall not exceed Two Thousand (\$2,000) Dollars for this Grant.

Adopted this the _____ day of _____, 2015.

MAYOR

ATTEST:

CITY RECORDER

APPROVED AS TO FORM

LARRY D. CANTRELL
CITY ATTORNEY
FAIRVIEW, TENNESSEE