

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION

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8.010 ADMINISTRATION OF THE RESOLUTION

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

8.020 THE ENFORCEMENT OFFICER

The provision of this resolution shall be administered by the Cheatham County Community Planner in concert with the Director of the Building Department who shall enforce this resolution, in addition, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances, special exceptions or other matters on which the Board is required to act under the provisions of this resolution.

- F. Receive, file and forward to the planning commission all matters on which the planning commission is required to act under this resolution.
- G. Conduct inspections as required in this resolution and such other inspections as are necessary to insure compliance with the various other general provisions of this resolution. A Building Official shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

8.030 ZONING COMPLIANCE PERMIT (BUILDING PERMITS)

This resolution 8 section 8.030, A, amended on October 19, 2009

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

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

A. Requirements and Application for a Building Permit

A Building Permit shall be required for the construction or placement of any structure under roof. The first Accessory Structure on a parcel of property is excluded from this requirement if the Accessory Structure does not exceed two hundred (200) square feet. All swimming pools require a Building Permit. The construction or alteration of any structure that affects any framing, plumbing, HVAC, or electrical system requires a Building Permit. Nothing in this section shall waive any other law(s) or code(s) requiring a Building Permit.

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

All applications shall be complete before the Building Department is required to consider the application. All applications must contain construction drawings in a scale adequate to determine compliance with all the requirements of this resolution, and the applicant must provide a detailed list of construction materials and other information deemed necessary by the Building Department in order to provide sufficient information to allow the Building Department to evaluate the application in light of the requirements set forth in this resolution.

The remainder of Section 8.030 of the Zoning Resolution for Cheatham County, Tennessee shall remain unchanged.

B. Site Plan Requirements

Site plans shall be required for multi-family residential developments, commercial and industrial developments and all special exceptions. Mobile home parks shall submit a site plan as required in Section 4.090. The Planning Commission shall be the reviewing agency for all permitted uses and the Board of Zoning Appeals shall be the reviewing agency for all special exceptions. There are provisions for Special Exceptions in Section 8.070. The following requirements are intended to promote good site development and ensure that multi-family residential, commercial, industrial, and special exceptions comply with the provisions of this resolution. Any approval of a site plan shall cease to be effective one (1) year after the date of the approval if a building permit has not been issued or unless the site is reapproved. The planning commission shall permit the Community Planner to waive site plan requirements under the following conditions as follows:

1. The proposed development is an addition or an accessory structure on a site previously approved by the Planning Commission provided that the structure does not exceed five hundred (500) square feet.
2. The proposed development is an addition or an accessory structure on a site in existence prior to the adoption of the zoning resolution provided the structure does not exceed five hundred (500) square feet.

C. Review Procedure

Twelve (12) copies of the required site plan shall be submitted to the Cheatham County Community Planner and Planning Commission or for the Special Exceptions seven copies of the required site plan to the Board of Zoning Appeals at least ten (10) days in advance of the meeting at which it is to be reviewed. Three (3) copies of construction plan blue prints shall be submitted to the building inspector for his review. The Planning Commission or the Board of Zoning Appeals shall review the site plan for compliance with the site plan requirements set forth in this resolution and all other requirements. Incomplete information shall result in the site plan being returned to the applicant without action. The following information shall be required:

1. General location sketch map at a scale not smaller than 1"=2,000', showing:

- a. The approximate boundaries of the site.
- b. External public access streets or roads in relation to the site.
- c. Surrounding Development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
- d. Any public water and sewer systems in relation to site.

2. Site plan drawn at a scale no smaller than 1"=200' showing:

- a. The actual shape, location, and dimensions of the lot.

- b. The shape, size, and location of all buildings or other structures already on the lot.
- c. The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.
- d. Topographic features, both existing and proposed, with contours at a vertical interval no greater than five (5) feet.
- e. Location of all driveways and entrances.
- f. Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)
- g. Location of all accessory off-street loading berths.
- h. Location of open space.
- i. Proposed ground coverage, floor area, and building heights.
- j. Position of fences and walls to be utilized for screening (materials specified).
- k. Position of screen planting (type of planting specified).
- l. Proposed means of surface drainage, including all drainage ways and facilities.
- m. Location of all easements and rights-of-way.
 - n. Location of areas subject to flooding.
 - o. Location and size of all utilities including all fire hydrants.
 - p. Location, type, and size of proposed signs.
 - q. Vegetation.
 - i. Appropriate location of tree masses and natural hedgerows.
 - ii. General description of the principal species of trees and range of sizes with tree masses.
 - iii. Appropriate location and identification of trees fifteen (15) inches in caliper or larger.
- r. Identification of slopes twelve (12) to twenty (20) percent and twenty (20) percent or greater and identification of soils on slopes.

3. The planning commission as the reviewing body may:

- a. Recommend approval of the plan as submitted to the Community Planner
- b. Recommend disapproval of the plan.

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

If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

D. Fee

The Cheatham County Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the Building Department. Only the County Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

E. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this resolution, the Building Department shall issue a Building Permit for such excavation or construction. If an application for a Building permit is not approved, the Director of the Building Department shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed a waiving of any provisions of this resolution.

F. Construction Progress

Any Building Permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

G. Issuance of Certificate of Occupancy

1. No such land or building or part thereof hereafter erected or altered in its use or structure shall be used or occupied until the building official shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this resolution.
2. Within three (3) days after notification that a building or premise or part thereof is ready for occupancy or use, it shall be the duty of the building official to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of this resolution; or, if such certificate is refused, the Director of the Building Department shall state refusal in writing with the cause.

8.040 TEMPORARY USE PERMITS

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

8.050 COUNTY BOARD OF ZONING APPEALS

Amended Resolution 6, section 8.050, B, Regarding Appeals to the Board of Zoning Appeals, Dated August 17, 2009.

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

A. Procedure

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

B. Appeals to the Board

An appeal to the Cheatham County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any government office, department, board, or bureau affected by any decision of the Director of the Building Department or other administrative official based in whole or in part upon the provisions of this resolution. Such appeal may be taken by timely filing with the Board of Zoning Appeals a notice of appeal identifying the specific grounds thereof. Effective the 17th of August 2009, said notice of appeal must be filed with the Board of Zoning Appeals within sixty (60) days of the date of written notice to the appellant of the action or decision for which the appeal is sought; or, before the filing deadline for the next regularly scheduled meeting of the Board of Zoning Appeals following the appellant's written notice of the action or decision for which the appeal is sought, whichever is later. Said written notice to the appellant shall contain language adequately notifying the appellant of the right to appeal the action or decision to the Board of Zoning Appeals. Said written notice also shall contain language adequately notifying the appellant of the deadline by which the notice of appeal must be filed. The failure to file a notice of appeal with the Board of Zoning Appeals in compliance with this deadline shall result in the appeal not being heard. The Director of the Building Department shall accept any timely filed notice of appeal and shall transmit to the Board of Zoning Appeals all papers constituting the record of the action or decision upon which a timely appeal is taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of timely appeals, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing of timely filed appeal, any person or party may appear in person, by agent, or by attorney.

C. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Director of the Building Department or other administrative official in the carrying out of enforcement of any provision of this resolution.

2. Special Exceptions

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

3. Variances

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

D. Rules and Regulations of the Board

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

1. The presence of three (3) members of the Board shall constitute a quorum and the concurring vote of at least three (3) members of the Board shall be necessary to deny or grant any application before the Board.
2. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Cheatham County at least ten (10) days before the hearing of an appeal. No appeal shall be considered and heard by the Board less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the Board that could not have been reasonably presented in a public hearing before the Board, the Board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein. Every application for a hearing before the Board of Zoning Appeals shall pay a fee of one hundred dollars (\$100.00) to assist in covering the cost of review and processing each case. The applicant shall also be responsible for obtaining a notification sign from the Planning Office and placing it on the property fifteen (15) days prior to the hearing by the Board of Appeals. This sign shall be furnished to the applicant at a cost of ten dollars (\$10.00). **(Amended by Resolution 10, Dated October 18, 1999)** The public notification signs shall be those furnished by or approved by the Cheatham County Building Commissioner. The signs shall be of adequate size and design (no smaller than three feet by two feet (3' x 2')) and shall be clearly visible and legible to passing motorists. The signs shall at least specify the time, date and location of the scheduled public hearing for each proposed Board of Zoning Appeals agenda item. The signs shall also contain a description of the agenda item being considered and the telephone number of the County Office where additional information can be obtained.

One (1) public notification sign shall be posted along each three hundred (300) feet of each Public Street or road right-of-way adjoining property. If the property is accessed by easement, then one (1) sign shall be posted at the location where each easement attaches to a public street or road right-of-way. The sign shall be posted within ten feet (10') of the public street on road right-of-way and be positioned in a manner to best inform the motoring public without creating a safety hazard. Any property line of the subject property which fronts upon any public street or road shall be clearly flagged or marked at the time the public notification sign is posted. **(Added Paragraph by Resolution 9, Dated January 17, 2005)** The applicant shall pay Cheatham County for all cost associated with an application for appeal to the Cheatham County Zoning Appeals Board with the exception of the cost of advertisements posted in local newspapers regarding said matters. **(Amended by Resolution 9, Dated January 17, 2005)** Be it additionally resolved that the Board of Zoning Appeals shall, in addition to other requirements regarding notice set forth herein, require the Cheatham County Building Commission to make every reasonable effort to send by certified mail, return receipt requested, a letter to the property owners of record whose property is adjacent to the property that is subject to action by the Board of Zoning Appeals, and to the property owners of record with property immediately across the street from the owners of the requested change to the subject property and the date, time and location of the meeting of the Board of Zoning Appeals at which the issue will be heard. Be it additionally resolve that the Applicant is responsible for all incurred costs for sending Certified Letters. **(Added by Resolution 8, Dated January 28, 2013)**

3. The Board may call upon any other office or agency of the county government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
 4. The Regional Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
 5. Any officer, agency, or department of the county or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provide-d for by State law.
 6. Any decision made by the Board on a special exception shall indicate the specific section of this resolution under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.
 7. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good, and sufficient cause being shown.
 8. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.
- E. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Director of the Building Department certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts

stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Director of the Building Department, and on due cause shown.

F. Liability of Board Members, Director, Building Department, and Employees

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

G. Right of Entry upon Land

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

H. Rehearings

1. No rehearing of the decision by the Board shall be had except:
 - a. On motion to reconsider the vote; or
 - b. On a written request for a hearing.
2. If the motion to reconsider receives a majority affirmative vote, Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may, by resolution in each case, stipulate.
3. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing. If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.
4. No rehearing for a variance shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article.

8.060 VARIANCES

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

A. Application

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

B. Hearing

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

C. Standards for Variances

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

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this resolution were carried out must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other land structures, or buildings in the same district.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
6. The variance will not authorize activities otherwise excluded from the particular district in which requested.

7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this resolution.
8. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this resolution.

D. Restrictions and Variances

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

8.070 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

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

A. Application

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

B. Restrictions

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

C. Validity of Plans

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

D. Time Limit

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

E. General Requirements

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

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

F. Special Exceptions Appeals

Any person or agency of the county government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any

appeal, cause, hearing or proceeding under this article shall be final, and subject to review only for illegality or want of jurisdiction. A fee shall be charged to cover review and processing of each application for a special exception.

G. Specific Standards for Community Facility Activities

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

1. Special Conditions for Administrative Services

- a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- b. All lot, yard, and bulk regulations of the zone district shall apply.
- c. Appropriate off-street parking requirements shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.

Day Care Centers

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

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

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

a. Day Care Home

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

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

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

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

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

Fencing, screening, and landscaping shall be provided as appropriate to protect

the surrounding area.

b. Day Care Center

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

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

- a. No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.
- b. All bulk regulations of the district shall be met.
- c. The requirements of the accessory off-street parking regulations of this resolution shall apply.
- d. All regulations of the State of Tennessee shall be met.
- e. All public utilities and sewage disposal shall be available and connected to the site.

4. Special Conditions for Community Assembly

- a. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.
- b. All bulk regulations of the zone district shall apply.
- c. Off-Street Parking
 - i. For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
 - ii. For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.
- d. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
- e. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
- f. All public utilities and sewage disposal shall be available and connected to the site.

5. Special Conditions for Cultural and Recreational Services

- a. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- b. All bulk regulations of the district shall apply.
- c. The off-street parking requirements of this resolution shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within the surrounding area.
- f. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.

6. Special Conditions for Community Education

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

7. Special Conditions for Intermediate Impact

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

8. Special Conditions for Religious Facilities

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

H. Specific Standards for Commercial Activities

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

1. Special Conditions for Group Assembly Activities

- a. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- d. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
 - i. The minimum size site shall be twenty-five (25) acres.
 - ii. The minimum setback of all structures from all public roads shall be one hundred (100) feet.
 - iii. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
 - iv. Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
 - v. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
 - vi. Any lighting provided at such facilities shall be

designed so that no direct light falls on adjacent residential property.

vii. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.

viii. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.

2. Special Conditions for Adult Entertainment Business (Added by Resolution 10, Dated February 19, 2001)

a. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) of any church, school ground, college campus, park, or private residents. (Amended by Resolution 14, Dated May 21, 2001)

b. All establishments shall be located at least five hundred (500) feet (measured property line to property line) from any other adult entertainment business.

c. No establishment shall be located within two thousand (2,000) feet (measured property line) from any residential zoned property and all residents, in addition to the other locations listed. (Amended by Resolution 15, Dated May 21, 2001)

d. Be in compliance with all provisions of the Tennessee Code, Sections 7-51-1101 through 7-51-1121.

3. Commercial Campgrounds and Recreational Vehicle Parks
(Added by Resolution 4, Dated October 17, 2005)

a. Application

- i. These provisions apply to any campground or recreational vehicle park constructed or established after the adoption of these regulations and to any additional construction on an existing campground or recreational vehicle park and to any alteration to the layout of an existing campground or recreational vehicle park.
- ii. Where the construction or layout of an existing campground or recreational vehicle park does not conform to the provisions of these regulations, no person shall carry out additional construction or make an alteration to the layout of the campground or recreational vehicle park which would extend the nonconformity.

b. Campground and Recreational Vehicle Park Approval Permit

i. Permit Required

No person shall establish, construct, or alter a campground or recreational vehicle park unless plans and specifications have been approved by the Cheatham County Board of Zoning Appeals as per Cheatham County Zoning Resolution, Article VIII, Section 8.070.

ii. Application

All applications for final approval of plans and specifications for a c ampground or recreational vehicle park shall be made in writing to the Inspector and shall contain information as per Cheatham County Zoning Resolution, Article VIII, Section 8.030, B and C.

The following additional information shall be shown on all site plans for Campground and Recreational Vehicle Parks:

- (a) The number, location, dimensions, and designation of all recreational vehicle spaces or camping spaces, and location and dimensions of all roadways, parking areas, accessory residential use, and common amenity areas;
- (b) The dimensions and locations of all accessory buildings and other structures;
- (c) Plan and profile drawings for sanitary sewers, showing details of the on-site sanitary sewer system and connection to the publicly-owned system;
- (d) The location and details of all on-site garbage and refuse disposal areas;
- (e) All watercourses adjacent to the proposed campground or recreational vehicle park;
- (f) The location of all proposed fire pits;
- (g) The Building Official may require the applicant to provide additional information deemed necessary as follows:

- (i) A professional engineer's report on (1) the effect on soil stability of disturbing natural grade or natural vegetation by developing, using or occupying the land; (2) ground water levels and conditions for as much of the year as is considered necessary; (3) the depth and extent of flooding and the likely frequency of it occurring;
- (ii) Profiles of every new roadway shown on the plan and such topographical details as may indicate any engineering problems to be dealt with in the construction of roadways shown on the plan.
- (iii) Sanitary sewer design calculations and a plan outlining all areas included in the calculations.
- (iv) Storm Sewer calculations and a plan outlining all areas included in the drainage calculations.

C. Campground and Recreational Vehicle Park Design and Layout Standards

i. Access and Roadways

- (a) The internal road system located within the boundaries of a campground or recreational vehicle park shall provide access to a public street. In the case of a recreational vehicle park having in excess of one hundred (100) recreational vehicle spaces, the internal road system should provide access to a public street at not less than two (2) points, unless, in the opinion of the Board of Zoning Appeals, two (2) access roads are not needed.
- (b) Where access to a highway is gated, egress from a campground or recreational vehicle park by its occupants at any time shall be ensured by the owner.
- (c) All campground and recreational vehicle spaces, storage areas, amenity areas, principal buildings, accessory buildings and all other facilities shall have access by an internal roadway only.
- (d) Roadways in a recreational vehicle park shall be constructed to County Standards and have the following dimensions:
 - (i) All two-lane roadways shall have a minimum paved width of twenty (20) feet
 - (ii) All other roadways shall have a minimum paved width of twelve (12) feet.
 - (iii) Dead end roadways shall have a hammerhead turnaround or cul-de-sac with a turning circle minimum radius of forty (40) feet (paved surface) and shall not exceed three hundred (300) feet in length.
 - (iv) Roadways shall be adapted to the topography and shall have a maximum gradient of twelve (12) percent on access roadways and fifteen (15) percent on all other roadways.
 - (v) All roadways shall be well drained and maintained.

(vi) Internal roadway intersections shall be at right angles. Offsets at intersections and intersections of more than two (2) roadways at one (1) point shall not be permitted.

d. Servicing Standards

i. Water Supply

- (a) The owner of a campground or recreational vehicle park shall provide potable water distribution system connected to the public water system.
- (b) Notwithstanding the above standard, the owner of a campground or recreational vehicle park containing twenty-five (25) or less camping or recreational vehicle spaces may provide potable water by means of a private water distribution system subject to approval by the Health Department.
- (c) The water distribution system shall be designed by a professional engineer and constructed in accordance with the county's current Engineering Standards and Specifications.
- (d) Where a campground or recreational vehicle park is connected to the public water system, potable water shall be distributed to: Service Buildings, Accessory Use Buildings, and Standpipes and Hydrants.
- (e) No camping or recreational vehicle space without an individual water connection shall be located more than two hundred (200) feet from a water standpipe.
- (f) All water outlets shall be provided with a suitable receptacle for adequate drainage and shall be provided with an adequate backflow preventor or anti – syphonage device.

ii. Fire Protection

Where a campground or recreational vehicle park is connected to the public water system, fire hydrants meeting the requirements of the County shall be installed and connected to the internal water supply such that no recreational vehicle or camping space is beyond five hundred (500) feet from a fire hydrant, as measured along the internal and/or external roadway system.

iii. Sewage Disposal

- (a) The owner of a campground or recreational vehicle park shall provide for the disposal of all wastewater and all human excretion generated within the campground or recreational vehicle park by causing all sewage and wastewater to be discharged into a public sewer system.
- (b) Notwithstanding the above standard, the owner of a campground or recreational vehicle park containing twenty-five (25) or less camping or recreational vehicle spaces may provide for the disposal of all waste water and all human excretion generated within the campground or recreational vehicle park by causing all sewage and waste water to be discharged into a private sewage disposal system subject to approval by the Health Department.

- (b) The on-site sewage collection system shall be designed by a professional engineer in accordance with the county's current Engineering Standards and Specifications.
- (c) A recreational vehicle space in a recreational vehicle park may be serviced by an individual sewer connection. The sewer connection shall be provided with a suitable fitting so that a watertight connection can be made between the trailer drain and the sewer connection. The connection shall be so constructed that it can be closed when not linked to a recreational vehicle to prevent escape of odors.
- (d) A camping space in a campground shall not be serviced by an individual sewer connection.

iv. Sewage-Disposal Station

- (a) The owner of a campground or recreational vehicle park shall provide a sewage-disposal station conveniently located off a roadway and with adequate access and egress for recreational vehicles up to thirty-six (36) feet in length where a campground or recreational vehicle park contains camping or recreational vehicle spaces intended for recreational vehicle use without direct connection to a private sewage disposal or public sewer system.
- (b) The owner of a campground or recreational vehicle park shall prohibit the discharge of sewage or liquid wastes onto the ground by any user of the campground or recreational vehicle park.

v. Storm Sewer

- (a) The owner of a recreational vehicle park shall provide for the disposal of all storm water by a storm sewer system designed by a professional engineer. The storm sewer shall allow for drainage of:
 - (i) Each recreational vehicle space; (ii) Accessory use buildings; and
 - (ii) Amenity areas.
- (b) The owner of a campground shall provide for the disposal of storm water in accordance with good engineering practice.

vi. Service Buildings

- (a) Where a campground or recreational vehicle park is connected to the public water system and the public sewer system, the campground or recreational vehicle park shall contain at least one (1) service building equipped with facilities as required in this section.
- (b) Services buildings shall:
 - (i) Be located not less than fifteen (15) feet and not more than five hundred (500) feet from any recreational vehicle space or camping space not serviced with a sewer and water connection.
 - (ii) Be of permanent construction and adequately illuminated for the use at

night.

- (iii) Have walls, floors and partitions that can be easily cleaned.
- (iv) Have all rooms well ventilated, with all openings effectively screened.

(c) Service facilities shall include:

- (i) Laundry facilities in the ratio of one (1) laundry unit for every thirty (30) camping or recreational vehicle spaces and shall be in a separate room of a service building or in a separate building.
- (ii) The minimum number of required toilets, urinals, washbasins and showers shall be provided as set out in the following table:

Number of camping spaces/RV spaces without direct sewer and water connections.	Toilets		Urinals	Lavatories		Showers	
	Male	Female	Male	Male	Female	Male	Female
1-15	1	1	0	1	1	1	1
16-30	1	2	1	2	2	1	1
31-45	2	2	1	3	3	1	1
46-60	2	3	2	3	3	2	2
61-80	3	4	2	4	4	2	2
81-100	4	5	2	4	4	3	3

*** In the absence of urinals, the ratio of toilets for men and women shall be the same.**

- (iii) For recreational vehicle parks having more than one hundred (100) recreational vehicle spaces without having direct sewer and water connections, or a campground having more than one hundred (100) camping spaces, there shall be provided one (1) additional toilet and washbasin per sex for each additional twenty-five (25) camping or recreational vehicle spaces; one (1) additional shower per sex for each additional forty (40) camping or recreational vehicle spaces.
- (iv) Toilet tissue and covered, fire-resistant waste containers shall be provided.
- (v) Service facilities with toilet, bathing, and lavatory facilities shall be provided for motor homes, travel trailers, truck campers, and tent campers which do not have sewage holding tanks.
- (vi) Primitive camps and camps offering services to recreational or similar vehicles (e.g., motor homes and travel trailers) with sewage holding tanks only are exempt from the restroom and/or bathing facility requirements.

vii. Street Lighting

- (a) Within a recreational vehicle park, street lighting shall be provided and

designed by a professional engineer in accordance with good engineering practice to ensure the safety of vehicular and pedestrian traffic and so arranged as to reflect light away from recreational vehicle spaces.

- (b) Street lighting shall be installed and maintained to adequately illuminate the traveled portion of the roadway at the intersection of access roadways and highways.

viii. Garbage

The owner of a campground or recreational vehicle park shall:

- (a) Provide within one hundred (100) feet of each camping or recreational vehicle space a container that is durable, fly-tight, watertight and animal-proof for the disposal of all garbage.
- (b) Maintain the containers so that they shall not become foul smelling, unsightly, unsafe or breeding places for insects and rodents.
- (c) Provide for the collection and disposal of all garbage and refuse at least one (1) time per week. All such material shall be collected and transported to an approved disposal site.

e. Design Standards

- (i) Each camping or recreational vehicle space shall be clearly identified by a numbered sign or similar designation.
- (ii) Each camping or recreational vehicle space shall have a minimum setback of twenty-five (25) feet from any public road.
- (iii) Each camping or recreational vehicle space shall contain at a minimum: one (1) enclosed fire pit and one (1) parking space.
- (iv) Each camping or recreational vehicle space shall contain a minimum of thirty-two hundred (3,200) square feet. (A space shall consist of vehicle or tent space, parking space and fire pit.)
- (v) Each campground or recreational vehicle park shall provide a vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-ways and neighboring properties.
- (vi) Each campground or recreational vehicle park shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas.

f. Supervision

- (i) The owner of a campground or recreational vehicle park shall maintain the campground or recreational vehicle park in a clean, safe and sanitary condition.
- (ii) The owner of a campground or recreational vehicle park shall maintain a register for a period of one (1) year at the facility. Such register shall contain each camper's name, address, telephone number, and camping dates.

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

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

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

8.080 AMENDMENTS TO THE RESOLUTION

The regulations, restrictions, and boundaries set forth in this resolution may from time to time be amended, supplemented, changed, or repealed by the Cheatham County Commission. Any member of the County Commission may introduce such legislation, or any official, board, or any other person may present a petition to the County Commission requesting an amendment or amendments to this resolution.

No amendment to this resolution shall become effective unless it is first submitted to the Cheatham County Regional Planning Commission for review and recommendation. The planning commission shall have thirty (30) days within which to submit its recommendation to the county commission. If the planning commission disapproves the amendment, it shall require the favorable vote of a majority of the county commission to become effective. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the county commission.

Before finally adopting any such amendment, the county commission shall hold a public hearing thereon, at least thirty (30) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county.

A fee, as set by the Cheatham County Commission shall be due and payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning resolution. The fee is to be used by Cheatham County to defray costs resulting from such petition and any subsequent amendment of the zoning resolution.

8.081 Application for Rezoning

A proposed change of zoning district boundaries shall be initiated by the filings of an application with the Cheatham County Planning Commission. Said application shall contain:

1. The name and address of the owner and/or owners of the subject property, and the written certification of the authorized agent.
2. A written legal description of the subject property including the Cheatham County Tax Plat number and acreage.
3. A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.
4. The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.
5. Two (2) copies of a map depicting the property requested for rezoning.

These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the following information.

- a. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.
 - b. Dimensions in feet of property to be rezoned.
 - c. All roads and easements within or adjoining property to be rezoned.
 - d. Location, size, type and current use of any building on the property requested for rezoning.
 - e. Location of the adjoining property owners in relation to the property to be rezoned.
6. Payment of a fee of one hundred dollars (\$100.00) to defray the administrative cost of amending the rezoning resolution. **(Added 6, by Resolution 10 Dated, October 18, 1999)**
7. Any applicant for a change in a zoning district boundary shall be required to place and maintain a notification sign in accordance with the following provisions: **(Amended by Resolution 9, Dated January 17, 2005 and Resolution 10, Dated January 17, 2005)**
- a. Public notification signs shall be posted and maintained on the property which is the subject of the proposed zoning district change for at least fifteen (15) days prior to the public hearing on the zoning boundary change and shall remain until final action of the County Commission or the application is withdrawn.
 - b. The public notification signs shall be those furnished by or approved by the Cheatham County Building Commissioner. The Building Commissioner shall collect a fee of ten dollars (\$10.00) for each sign furnished. The signs shall be of adequate size and design (no smaller than three feet by two feet (3' x 2')) and shall be clearly visible and legible to passing motorists. The signs shall at least specify the time, date and location of the scheduled public hearing on the proposed zoning district change. The signs shall also contain a description of the proposed change and the telephone number of the County Office where additional information can be obtained. Any and all Cost associated with the proposed zoning district change shall be paid for by the applicant requesting the zoning district change with the exception of the advertisements posted in the local newspapers.
 - c. One (1) public notification sign shall be posted along each three hundred (300) feet of each public street or road right-of-way adjoining property. If the property is accessed by easement, then one (1) sign shall be posted at the location where each easement attaches to a public street or road right-of-way. The signs shall be posted within ten (10) feet of the public street on road right-of-way and be positioned in a manner to best inform the motoring public without creating a safety hazard.
 - d. Any property line of the subject property which fronts upon any

public street or road shall be clearly flagged or marked at the time the public notification sign is posted.

8. If the zoning district boundary change is one which was initiated by the Cheatham County Planning Commission and the change affects more than two contiguous separately owned tracts of property, then the notification signage requirements contained in Paragraph 8.081, 7, shall not apply. **(Amended 8, by Resolution 9, Dated January 17, 2005)**

8.090 PENALTIES

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

8.100 REMEDIES

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

8.110 VALIDITY

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

8.120 INTERPRETATION

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

8.130 EFFECTIVE DATE

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

Certified by the Cheatham County Regional Planning Commission.

December 6, 1990
Date

Elmer Dunn
Chairman, Cheatham County
Regional Planning Commission

Approved and adopted by the County Commission of Cheatham County, Tennessee.

January 21, 1991
Date Adopted

March 1, 1991
Effective Date

Linda S. Fizer
County Executive, Cheatham County

Public Hearing Date: January 21, 1991

ATTESTED BY:

W.J. Hall
Cheatham County Clerk

February 8, 1991
Date